ED 384 457

RC 020 135

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| TITLE | Challenges Confronting American Indian Youth. Oversight Hearing before the Committee on Indian Affairs. United States Senate, One Hundred Fourth Congress, First Session. Part 1. |
| INSTITUTION | Congress of the U.S., Washington, DC. Senate Committee on Indian Affairs. |
| REPORT NO | ISBN-0-16-046984-8; Senate-Hrg-104-8-Pt-1 |
| PUB DATE | 9 Feb 95 |
| NOTE | 103p.; For Part 1 (federal agency response), see RC 020 163. Appendix contains several items with small, light, or broken type. |
| AVAILABLE FROM | U.S. Government Printing Office, Superintendent of Documents, Congressional Sales Office, Washington, DC 20402. |
| PUB TYPE | Legal/Legislative/Regulatory Materials (090) |
| EDRS PRICE | MF01/PC05 Plus Postage. |
| DESCRIPTORS | *American Indian Education; American Indian Reservations; *American Indians; College Students; *Cultural Maintenance; Delinquency; Early Parenthood; *Educational Needs; Elementary Secondary Education; Hearings; Higher Education; Primary Sources; Substance Abuse; Tribes; Youth Leaders; *Youth Problems; *Youth Programs |
| IDENTIFIERS | Congress 104th; United National Indian Tribal Youth Network |

ABSTRACT

The Senate Committee on Indian Affairs received testimony from American Indian youth about the problems confronting Indian young people on reservations and in urban areas and about their own personal experiences with such problems. Witnesses included college and high school students representing various youth councils and youth organizations at a conference of United National Indian Tribal Youth (UNITY). Statements were also received from senators and from representatives of philanthropic foundations that provide funding to Indian youth programs. Included in the testimony and written statements are the following topics: (1) the efforts of tribal youth councils to involve young people in educational and cultural activities and activities helpful to their communities; (2) high rates of alcohol abuse and unemployment among Native Americans; (3) the need for Native American students attending public schools to be taught about their languages, cultures, and history; (4) the need for an American Indian university providing a full range of graduate degrees; (5) the importance of strong cultural identity and spirituality in preventing social problems and individual despair; (6) community programs to fight alcohol and drug abuse; (7) the involvement of urban Indian youth in gang violence; (8) the importance of positive role models for Indian youth; (9) water rights and traditional natural resources; (10) teen pregnancy; (11) the national youth agenda developed by UNITY; (12) youth leadership development programs, such as Running Strong for American Indian Youth; (13) programs for Native American children and youth funded by the W. K. Kellogg Foundation and the Carnegie Corporation; and (14) juvenile justice needs. (SV)

RC

S. HRG. 104–8, Pt. 1

# CHALLENGES CONFRONTING AMERICAN INDIAN YOUTH

ED 384 457

## HEARING

BEFORE THE

## COMMITTEE ON INDIAN AFFAIRS
## UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

OVERSIGHT HEARING ON CHALLENGES CONFRONTING AMERICAN INDIAN YOUTH

FEBRUARY 9, 1995
WASHINGTON, DC

**PART 1**

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U.S. GOVERNMENT PRINTING OFFICE
88-352 WASHINGTON : 1996

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-046984-8

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# CHALLENGES CONFRONTING AMERICAN INDIAN YOUTH

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**TUESDAY, MARCH 7, 1995**

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
*Washington, DC.*

The committee met, pursuant to notice, at 9:30 a.m. in room 485, Senate Russell Building, Hon. Daniel Inouye (vice chairman of the committee) presiding.

Present: Senators Inouye, Kassebaum, and Simon.

## STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS

Senator INOUYE. The committee meets this morning to receive testimony from those Federal agencies that administer programs authorized to address challenges confronting American Indian youth. This morning's hearing is a followup to an oversight hearing which was held by this committee 1 month ago on February 9.

At that time, the committee received testimony from young Indian men and women representing reservation communities and urban areas across Indian country regarding the challenges facing them as Indian youth. The testimony of tribal youth was an important opportunity for the committee to hear from a new generation of Indian leaders. These young men and women identified critical challenges they face, including alcohol and substance abuse, sexual and child abuse, suicide, educational needs, employment needs, teenage pregnancy, environmental challenges, violence, and the infiltration of gangs in reservation and urban Indian communities, and cultural isolation in urban areas.

The objective of this morning's hearing is to identify how the U.S. Government might better address the needs of Indian youth in the development of Federal laws, Federal programs, and Federal policies.

Before I call upon the witnesses, we have two panels, may I recognize my dear colleague from Illinois, Mr. Simon.

Senator SIMON. I thank you, Mr. Chairman. I have no great words of wisdom. I look forward to hearing what the panel has to say. I will have to get to a meeting of the Judiciary Committee also, so I won't be able to be here for the full hearing.

Senator INOUYE. Then may I call upon the first panel, the Assistant Secretary of Indian Affairs of the Bureau of Indian Affairs, Ada Deer; and the Director of the Indian Health Service, U.S. Department of Health and Human Services, Dr. Michael Trujillo.

Madam Secretary, welcome.

**STATEMENT OF ADA DEER, ASSISTANT SECRETARY OF INDIAN AFFAIRS, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC, ACCOMPANIED BY JOANN SEBASTIAN MORRIS, ACTING DIRECTOR, OFFICE OF TRIBAL SERVICES; JAMES MARTIN, OFFICE OF INDIAN EDUCATION PROGRAMS; AND THEODORE QUASULA, CHIEF, DIVISION OF LAW ENFORCEMENT**

Ms. DEER. Good morning, Senator Inouye and Senator Simon. It is good to be here again before this friendly forum and interested group. I also did meet with members of the youth group that testified here several weeks. Youths and the problems of youths are very significant to me, very important to me, being a social worker and working with many of the youth programs at various levels.

I am pleased to be here to speak to the many challenges facing American Indian and Alaska Native youth today. My staff who attended your hearing on February 9 were moved by the testimony provided by the eight young people. At the Bureau of Indian Affairs [BIA], we are doing our part to alleviate the pain and alienation faced by our youth, and we realize that there is much, much more that all of us can do. At the BIA, we believe that tribal governments, communities, and families must share the responsibility for addressing the challenges our youth face.

I have with me today Joann Sebastian Morris, who is the Acting Director of the Office of Tribal Services; Dr. James Martin, Office of Indian Education Programs; and Theodore Quasula, Chief, Division of Law Enforcement. They will assist me in responding to any technical questions that the committee may have.

I would like to summarize my prepared statement and request that my full statement be part of the record.

Senator INOUYE. So ordered.

Ms. DEER. As agents of the Federal Government, it is our duty and responsibility to do all we can to improve circumstances for Indian youth. The multiple challenges they face are the direct result of historical policies and practices of our Government. When Indian children were forcibly removed from their homes and community, the entire makeup of the community and its structures were forever changed. Parents without children in the home for years at a time forgot how to parent. They became deeply saddened by the loss of their beloved children and despondent that their culture was deemed unfit in which to raise children. Their primary role as caregivers was eliminated. The aunts and uncle who in most tribes were considered surrogate parents also formally played an important role in the upbringing of youth, for disciplining them or for teaching them certain skills and social responsibilities. Their roles too were eliminated by our Federal removal policies.

Grandparents and other elders had especially critical roles in the upbringing and in developing healthy and responsible citizens. They were responsible for transmitting the deep spiritual and cultural lessons to tribal youth. It was the elders who set the times for naming ceremonies, the recognition of a boy's first hunt or a girl's puberty, the whole range of events making up the community ceremonial cycle. Many of these ceremonies could no longer be carried out with no children in the community and many are now lost.

In similar fashion, the key role of clan relatives in those tribes that followed the clan system was to educate the youth as to their proper role in society and the contribution they were expected to make through participation in activities and ceremonies of the clan. The connection to their clan relatives was also destroyed by our Federal policy of removing Indian youth from the community.

So, as you see, our legacy and influence have been extensive and it is our duty now in the 20th century to repair the damage done. As a social worker, I have seen far too many Indian children grow up in families where risk factors are high, such as: Poverty, rural isolation, cultural alienation, poor health, and low educational attainment of parents. In my formal testimony, I cited the unfortunate statistics which define the lives of far too many Indian youth. We must realize that the consequences of being raised amid multiple risk factors reach far beyond individual lives to impact the total well-being of communities and sovereign nations.

The problems that currently plague Indian youth evolved over time and will not disappear overnight. What is required is action that is thoughtful, broad-based, and sustained. Solutions will depend on strong tribal leadership and the concerted effort of every sector of Indian society.

At a time when the Federal Government is seeking ways to reduce its presence, the BIA must take every opportunity to partner with tribes and other Federal entities to meet the obligations to tribal people. Particularly as it relates to issues surrounding Indian youth and families, my staff working in the BIA child protection, social services, judicial services, education, alcohol and substance abuse prevention, and law enforcement are meeting consistently as joint work groups. These efforts will continue.

My formal testimony points out the many ways that we cooperate and collaborate with other Federal agencies, particularly with our colleagues at Indian Health Service. The key Federal agencies with whom we are working closely include Health and Human Services, Education, and Justice. In addition, my staff serve on several Federal interagency task forces or councils that meet quarterly to share information, resources, and leadership.

A personal goal I didn't pinpoint in my formal testimony is my desire to serve as a catalyst and to bring together our Federal colleagues with other national organizations who work on youth issues and ask each to commit to resolving some of the challenges facing Indian youth by determining which agency or group can contribute which piece of the solution, and then actively implementing our cooperative solutions. In my formal testimony I cited a wide range of programs, activities, and innovations which several BIA offices are implementing. Yet, we must remember that the role of the Federal Government, including the BIA, is principally to be supportive of Indian tribes in their quest for solutions to the challenges facing their youth.

I would like to offer one suggestion that wasn't previously cited. As a university lecturer on leave, I believe in good research. There is a growing body of valuable and valid research that has been conducted on Indian youth. BIA staff often have the opportunity to meet with the researchers themselves and regularly to obtain copies of this research. Such opportunities are rare to staff working di-

rectly in Indian country. Tribal level staff are so engaged in the day-to-day running of programs and saving young lives that they have neither the time nor resources available at the local level to investigate what new approaches are working well with Indian youth. The BIA can play a greater role in sharing information on the latest of promising practices. We can do more of this through our two current publications "Linkages" of the Social Services Division, and the "Prevention Quarterly" of the Office of Alcohol and Substance Abuse Prevention. We can do this at all upcoming meetings and conferences, such as the National Indian Family Prevention Conference we are cosponsoring next month with IHS.

The quantity of research on at-risk Indian youth is limited but the findings continue to repeat similar themes. We know what the risk factors are that most impact Indian youth and we have research available on methodologies that have worked well with Indian youth. It is our job at the BIA to share that information as broadly as possible across Indian country. That will be only one of the expanded support services we will provide directly to Indian communities in the months ahead.

I am also proud to announce that we will be hosting 24 young American Indian interns in the BIA Central Office and field offices this summer. They will range from college sophomores to graduate students and will receive weekly stipends as well as travel cost covering all expenses for the 10 week period they are with us.

I would like to emphasize that the Department and the BIA will continue to work with this committee and other agencies to address the challenges faced by Indian youth.

This concludes my opening statement. I will be pleased to answer questions that the committee may have.

[Prepared statement of Ms. Deer appears in appendix.]

Senator INOUYE. Thank you very much.

May I now call on Dr. Trujillo.

**STATEMENT OF MICHAEL TRUJILLO, M.D., DIRECTOR, INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, WASHINGTON, DC, ACCOMPANIED BY SCOTT NELSON, M.D., CHIEF, MENTAL HEALTH PROGRAMS BRANCH; JOHANNA CLEVENGER, M.D., CHIEF, ALCOHOLISM SUBSTANCE ABUSE PROGRAM BRANCH; AND CRAIG VANDERWAGEN, M.D., DIRECTOR, DIVISION OF CLINICAL AND PREVENTIVE SERVICES**

Mr. TRUJILLO. Good morning, Senator Inouye and Senator Simon. With me today I have Dr. Scott Nelson, who is in charge of our mental health programs; Dr. Johanna Clevenger, who is in charge of our alcohol programs; and Dr. Vanderwagen, who is in charge of our community and special initiatives in preventive programs in the Indian Health Service.

As you mentioned in the conference that was held in the Senate hearing several weeks ago, the American Indian and Alaska Native youth are leaders of tomorrow and key to the future of Indian communities and Indian people. Our Indian Health Service population that we deal with is 1.3 million people, and 40 percent of those individuals are Indian youth. The median age of our service popu-

lation is 22 years, and in some reservations that median age is even younger, 18 and 19 years.

Being an Indian youth is detrimental to one's health and sometimes life. There are many behavioral health issues. The most intense area of conflict facing American Indian and Alaska Native teenagers was highlighted in the testimony that was given before you on February 9.

In a past University of Minnesota study in 1988, many health compromising behaviors and risk factors were identified, including unintentional injuries, substance abuse, poor self-assessed health status, emotional status, and suicide. In 1990, in association with the Indian Health Service and the Office of Technology Assessment, many of those issues were again readdressed and also highlighted the limited resources available to IHS that went to treat them or prevent those problems.

The three leading causes in regards to death for American Indians and Alaska Native youths between the ages of 15 and 24 years are accidents, suicides, and homicides. Alcoholism, drug abuse, depression, suicide attempts, school dropouts, anti-social behavior including gang membership now in the reservations and other places, teenage pregnancy, and sexually transmitted disease also occur nationwide, both in the reservation and also in the urban setting, for Indian youth.

There are many contributing factors that have been acknowledged and have been cited, including continued oppression, discrimination, racism, loss of culture and language, loss of tradition, dysfunction within the family with sometimes the history and the pattern of family violence and also abuse.

In my commitment, including in my Senate confirmation statement of last year at this time, and within the Indian Health Service I have felt and have tried to bring forward within the service the commitment of the Indian Health Service to Indian children and adolescents as one of the highest priorities in addition to trying to facilitate and see how we can coordinate programs within our service with other agencies and programs in the public health service and with the Bureau of Indian Affairs and Department of Justice.

There is a necessity for continuation and strengthening of the suicide and family violence prevention programs, especially in intervention, early identification, and training of staff at all levels. There is a necessity for increasing and strengthening collaborative agreements that have been signed and to put them on an operational level not only at the regional and headquarters level, but, most essentially, at the local level which involves multidisciplinary coordinated dedicated staff. The resources to run these programs are oftentimes limited. But if we sometimes put our heads together around the table, those resources can be extended and leveraged with the cooperation and coordination of a number of individuals and agencies and tribes.

Alcohol and substance abuse prevention treatment is sometimes the major problem and those problems must be treated first. There are numerous tribal programs that have been established and are excellent. Urban programs are now being set up that also coordinate with other programs within the State and local area and also

tribes, including some centers that deal with families and where families are able to bring their children and thus enabling them to be part of the whole process of treatment, and in-patient treatment programs and evaluation. Essentially when we start talking about treatment, we have to discuss what happens after the person leaves the center in regards to post-treatment. After care and out-patient treatment are essential. Behavioral intervention programs to prevent the problem are critical. Collaboration with the BIA and other programs is critical to addressing the numerous problems in Indian country.

Mental health, social services, and child abuse programs, unfortunately staffing in those areas is far below the need. Staffing in mental health is about 43 percent; in social services, 21 percent of the need. We have established within the Indian Health Service, in cooperation with tribes and urban programs, some demonstration programs in those areas involving multidisciplinary and collaborative approaches.

One of the major problems facing Indian youth is accidents and unintentional injuries, largely from automobile accidents which occur as a result of risk-taking behavior. There have been identified nationwide demonstration programs also critical in regards to the use of alcohol and depression as part of that problem. We have established a fellowship in injury prevention. And some major aspects in regards to the effect of implementing prevention programs have been demonstrated, including that on the Navajo Reservation with the use of seatbelts, also the judicial and the corrections part involving the implementation by the tribe in strengthening the legal aspects for prevention of accidents.

The areas of collaborative agreements have been made with the BIA, the Centers for Mental Health Services, the Center for Substance Abuse Prevention Programs in SAMHSA, CDC has been involved in many of our programs, the National Center for Child Abuse and Neglect, the Department of Justice at various levels, especially the tribes and other Indian organizations, Headstart has been involved, the National Center for American Indian and Alaskan Native Mental Health Research at the University of Colorado has also been involved.

At our past hearing before the Senate on the budget, Senator Domenici also mentioned the possibility of collaborating with other centers, the University of New Mexico. He discussed this issue with Secretary Shalala in regards to more collaborative efforts within the Indian Health Service, the Department, and the Public Health Service. The Secretary and Doctor Lee are very supportive of that aspect.

The areas of cultural values, tradition, community and family are essential. I see as I travel in Indian country and meet with tribal leaders and see organizations and programs a return to cultural pride and language which had been lost before. The reinstitution of traditional family networks in the community and among themselves in regards to the family and interrelationships are hopefully being strengthened, rekindling self-esteem and pride especially among the youth, and also the establishment and reestablishment and strengthening of those ceremonies that you have in regards to the ages and the rites of passage from children into adulthood.

There have been established many youth groups, including UNITY and Running Strong, teenage groups and teen centers throughout the Nation that we support and encourage. They promote approaches and strategies for healthier lives and also strengthen and emphasize the necessity for education among the youth. As an example of a local initiative, unfortunately because of a tragedy on the Pine Ridge Reservation where was a young girl who was an exceptional basketball athlete, her name was SueAnne Big Crow, unfortunately, as she was identified as a major athlete within the State of South Dakota, she was killed in a car accident, her family and those individuals have established a program that recognizes her accomplishments as well as some of the accomplishments that she was working with her fellow teens on in regards to living a healthier life without drugs, without alcohol. They have established a center in Pine Ridge in her memory and they are working at trying to establish a gym and other activities for the youth in that area. They are building, as they say, a "happy town" where life is good, where drugs, alcohol, prejudice, and jealousy don't exist. I had the opportunity to visit that center and was quite impressed with the process that was happening, with the ability for them to go forward despite the tragedy among the family and also the community to establish a better, healthier life style.

The lack of economic opportunities, the lack of social development in many Indian communities and urban programs are there and well recognized. The same problems are also faced by youth throughout the Nation in any minority program because of the social/economic status that is there. Unfortunately for American Indians and Alaska Natives, the problems are highlighted because of the lack sometimes of the cultural values and the families that are dysfunctional.

Education is a mainstay that needs to be addressed as we go forth not only in the health issues and the social areas, but the essence of education for youth and the opportunities that are there.

In this time when there is decreasing resources or limited resources, when there is discussion of block grants going to States for other programs, where do Indian youth, Indian tribes and individuals and organizations sit in that process? I hope as the budgets are discussed for various programs in SAMHSA, in CDC, in NIH, and other programs in which we also are seeking funding and Indian tribes are able to obtain resources from those programs, that those resources will continue to also enable Indian youth to indeed become leaders of our future. As I grew up at Laguna, I think life was a lot easier then. I had a family that was supportive of my education, my grandmother was there and we had a large extended family. I remember going home each Sunday afternoon to grandma's where the family met and ate together. Unfortunately, when I go back home, I see oftentimes those relationships and those families are no longer there and you have the problems of alcohol, drug abuse, gangs, and other problems that I cited.

I hope that together the Congress, the administration, and our service programs can indeed address the problems so that we can go forward and perhaps next year at this time we can say these were the things that we set out to do, we've done them, and how can we go forward together to strengthen those programs so that

indeed our American Indian and Alaska Native youth can become the leaders and embellish our programs with the values and tradition of Indian people. Thank you.

[Prepared statement of Mr. Trujillo appears in appendix.]

Senator INOUYE. I thank you very much, Doctor.

I left the hearing on February 9 with a sense of optimism and feeling of hope. The voices I heard were promising and the voices I heard spoke of a future. But I must tell you with all candor that for the past 8 years, whenever I chaired hearings listening to our Government witnesses—whether they be Democrat or Republican—responding to the needs of our youth, I would leave the hearing much depressed, much angered, and frustrated. I must say that I will leave this hearing, unfortunately, feeling the same way.

The situation, if anything, has gotten worse. No matter what the numbers seem to tell you, with a few exceptions, and I say a very few exceptions, the unemployment rate in Indian country ranges anywhere from about 50 percent to 95 percent, as compared to 5.7 percent for our Nation; the men and women below the age of 20 in the United States is about 29–30 percent, whereas for Indian country it is about 40 percent; the suicide rate, maybe it has improved because ten years ago it was about four times the national norm, is about three times the national norm today; and for reasons of their own, great national organizations that are commonplace in all other areas are rare in Indian country, such as the YMCA, the YWCA, the Boy Scouts, the Girl Scouts. Thank God we have UNITY but that is one organization.

And so with all of this, one would think that we may be spending a little more money than we would in the rest of America. But such is not the case, as you know. In fact, the amounts recommended this year are less than what it was last year. And added to that, we have something new happening in Washington, DC, as a result of an event of November 8 of last year. We have programs such as Drug Free Schools being wiped out in the other body; not reduced, wiped out. And yet your testimony does not reflect that. You seem as though it is business as usual. And we are going to have block grants if the other body has its way. And in the discussion and debate on block grant, no one seems to refer to Indian sovereignty or trust relationship. The only relationship we hear about is the Federal and State. So the block grants go to the State and everyone is put into that block grant. And guess where the Indians come out? But somehow your testimony does not reflect that. Are we preparing ourselves for this horrendous contingency? I just do not know how to face this.

Secretary Deer, how much have you set aside for the young people that we are responsible for? What are you going to do about Drug Free Schools? They are going to be wiped out.

Ms. DEER. Let me say that it is within the power of the Congress to make these budget decisions and I hope that in the Senate there will be a more realistic approach taken to these programs. I regret that many of them are being wiped out, especially the Drug Free Schools program. We have an effective school program called FACE. A number of these programs are very effective. To me, it is a very short-term approach to wipe these out, because by nega-

tively impacting these young people, society is going to be paying a much higher price later on.

Now in terms of the actual figures for the budget, I don't have these off the top of my head but perhaps Ms. Morris does.

Senator INOUYE. Maybe you can assist me in this. I will not ask questions beyond this because I do not think you are ready for it. I would like to have a report from both of you as to what the impact would be or what the outcome would be if some of the proposals that are now being considered by Congress become reality. I think it would be realistic on the part of the administration to anticipate that many of the things being advocated today will become law. And so I want to know what would happen if block grants come in. Are you going to fight for special block grants for Indian country? Or are we just going to sit back and say I am sorry, that is what Congress wants? Or if they wipe out the Drug Free Schools, what are we going to do to replace this? I would like to know what you have in mind because I think the Congress would want leadership from the experts. You have the staff and you have the experts. So may I request that this committee be furnished with your response to my general question within 1 week.

[Report appears in appendix.]

Ms. DEER. We will comply.

I would like to state in terms of block grants, legislation is being developed in the Congress and I would like to request that there be a special set aside for Native communities and that the recognition of the trust responsibility and the tribes' sovereignty be recognized and affirmed. I know that the tribes do not want to come under the authority of the States in this whole block grant effort. It is in the development of the legislation that this will be carried out. My position will be to advocate for the tribes.

Senator INOUYE. Is the administration prepared to so articulate their position?

Ms. DEER. I can't speak for the entire Administration.

Senator INOUYE. Well, I would suggest that you tell the administration they better do that; otherwise, Indian country will be the bottom of the priority list. If last year's hearing was sad and depressing, I think this one would be traumatic for me.

Senator KASSEBAUM.

## STATEMENT OF HON. NANCY LANDON KASSEBAUM, U.S. SENATOR FROM KANSAS

Senator KASSEBAUM. Thank you, Senator Inouye. Assistant Secretary, I am sorry to have missed your testimony. I found, Dr. Trujillo, yours very eloquent as far as the needs that are there that have to be met. I just would suggest that Senator Inouye's request to you is a very valid one. And as we look to changes which are coming here in the budget, it is going to be very important to have some direction from you about how best to deal with this.

Just a couple of things. One is really directed more perhaps at the next panel, but in mentioning the chairman's comments as far as the groups coming to work in Indian country, asking where are the Y's, scouts, but I understand that the Boys and Girls Clubs are working on a few of the reservation lands. And this, as I say, is more for the next panel, but I believe that they have started some

clubs. I don't know how successful they are, but I think it is very important to encourage that community-type of effort. I have been working, and Senator Inouye has been a cosponsor in the last Congress and this one I hope as well, for the Youth Development Block Grant in which I think it is important to recognize that it is very important to make sure that part of that effort, because it is directed at the community and not the State, will be recognizing the importance of the Native American youth work. I think the intern program that you mentioned is interesting and an important step, but it really goes back to working right there.

And it all starts with education. In reading the comments from the February 9 hearing, it is my understanding that a number of the young people expressed the desire to have a youth council that could really lend a stronger voice perhaps to what they saw. I think that is important. I have always believed student councils should be listened to more perhaps by the boards of education and so forth as they develop policies. But also I thought it was interesting that they expressed strong support for the establishment of a national Indian university that could provide a culturally sensitive educational environment; not that that should be just PC, because that isn't going to be necessarily a strong and leading university. But I think the desire to have a focus for that education where there could be great pride taken in the culture and the roots and the history could be important. So it is a voice that needs to be heard. And in the issues of education and healthy behavior, helping work through this in sort of a holistic way I think is very important.

So I guess I don't have any specific questions other than times are changing and to be able to be constructive in the process, I think we have to work very closely together. Thank you and thank you, Senator Inouye.

Senator INOUYE. I have a couple of questions. Secretary Deer, you have two positions, the Child Protection Coordinator and Alcohol Substance Abuse Director, that have been open now I believe for eight months. When will you fill those positions? I have been told by all of you that these things are very important, but all you have had for the 7 or 8 months are acting personnel.

Ms. DEER. I think part of the reason that they haven't been filled has been the uncertainty regarding the restructuring and the downsizing. I think that one of the positions is in the process of being filled.

Ms. MORRIS. The child protection position was vacant for 4 months. We went through the process of advertising and I have five applicants on my desk that just arrived last week after going through the clearance process. So it is my responsibility within the next week or so to have interviews on that and then we will fill that position. The Director of OASAP position has been vacant for just one month since Dr. Mason took another position in Albuquerque. We are in the process of getting all of that paperwork moved forward. That process has started to advertise that position as well.

Senator INOUYE. Will you advise us when these positions are filled?

Ms. MORRIS. Yes.

Senator INOUYE. Dr. Trujillo, I just want a few numbers at this time so that the people here at least can get a flavor of the work

you are doing. You have an Alcohol and Substance Abuse Program. Has that been successful?

Mr. TRUJILLO. I believe the areas in treatment, prevention, and education have been continuing, they have been growing. The majority of the alcohol programs are through tribes with whom we contract. They have also been intimately involved in that process. I would add, however, because the problems are immense, that while we have made some inroads into the problems in regards to treatment, there still needs to be early identification. Prevention and intervention is essential. The aftercare of individuals who go through treatment programs is critical. The resources that are needed there are vast. The involvement of families in the treatment process and aftercare to assure that when individuals come back to the family and to the communities there is indeed a continuation of abstinence is essential.

Senator INOUYE. Have these programs stemmed the growth of abuse among the young men and women of Indian country?

Mr. TRUJILLO. I believe in coordination with some of the youth groups and communities in some areas, there have been some inroads. In some other areas in some programs, I would have to say no, there hasn't been. There has to be major efforts—

Senator INOUYE. Overall, the numbers are worse; are they not?

Mr. TRUJILLO. Yes; they are. They are continuing to grow. The difficulty will become, as you mentioned earlier, and I do want to add on to your comment—

Senator INOUYE. What about youth suicides?

Mr. TRUJILLO. The suicides in regards to the multidisciplinary problems that are there, the coordination, the early identification, there has been some demonstration programs in some communities that have been very good in regards to stemming the problem of suicide. However, that problem also continues to grow with Indian youth.

Senator INOUYE. So numbers have gotten worse?

Mr. TRUJILLO. The numbers are still continuing to grow. Yes, they are.

Senator INOUYE. What about family violence involving youth? Child abuse and such.

Mr. TRUJILLO. Family violence, child abuse, that is still continuing. In some areas, the intervention interdisciplinary teams with tribes, the BIA, the Department of Justice, and Indian Health Service have made some inroads. We have regional programs and we also have local interdisciplinary teams. The problem is immense. The difficulty in treatment is very hard. The treatment of perpetrators is extremely difficult, besides those who have been abused and the consequences that it occurs within the family and the community.

Senator INOUYE. But statistically, it has gotten worse?

Mr. TRUJILLO. It is still growing, yes.

Senator INOUYE. What about accident prevention?

Mr. TRUJILLO. That, again, is one of the major areas affecting Indian youth in regards to the morbidity and mortality. There have been some very good demonstration programs, as I have cited on the Navajo Reservation. There have been also identification of individuals within the Indian Health Service and with tribal programs

who have been working very well with both the States, the tribes, and prevention programs to identify areas where early intervention can occur to decrease the number of accidents. The accidents, for the majority, are also in association with the use of alcohol, unfortunately. And as alcohol abuse grows and risk behaviors occur, it also affects the statistics in accidents.

Senator INOUYE. I cited these three areas because I was aware that the numbers have gotten worse.

Mr. TRUJILLO. Yes.

Senator INOUYE. I cited this just as an example of what I want from you in your next report 1 week from now as to what the impact would be if we started block granting or eliminating certain programs. Would these numbers get better or would they get worse? That is what I and the committee would want to know.

Mr. TRUJILLO. The question this time is very critical as to how it will affect Indian country. As I had mentioned in my testimony before this committee on the budget of the Indian Health Service, there are some concerns in Indian country and among Indian leaders and tribes as to when funds go to States in block grant components, where are Indians? Are they going to be at the table? Are they going to be there when options are developed? Within our program at the Indian Health Service and Public Health Service, we are going forward with suggestions and working with Dr. Lee, the Assistant Secretary of Health, to include language in the block grants of CDC and SAMHSA so that Indian tribes and Indian organizations also have that funding directly just as States. However, the concern that we have is also that sometimes, unfortunately, State programs stop at the reservation line.

Senator INOUYE. In both testimonies, not just today but in years past, we have spoken of coordination of all of the Federal agencies, and there are many, that are involved in Indian youth. Have we gone beyond the talking stage? Are we coordinating? Are you working with Department of Justice with the U.S. attorneys, the Department of Labor, or are we still talking about it? Secretary Deer?

Ms. DEER. I know in a number of instances we have gone beyond talking and are actually doing it. For example, Ms. Morris has met with Dr. Nelson here on a number of occasions. There have been a number of meetings held between those two groups. I believe that Mr. Becker in his testimony will perhaps touch on that new effort in the Department of Justice's Office of Tribal Justice. I myself serve on some committees that are working at this. For example, I am cochair of the Indian Economic Subcommittee and we are making some good steps. It is still not enough but I believe we are making progress.

Senator INOUYE. I am going to ask all of the Government agencies what they think about collaborative and cooperative effort. I have been hearing about this for many years, but, so far, I have not heard much about results. So I would like to know what sort of results we have achieved as a result of these efforts.

Ms. DEER. Good question. We can report that to you.

Senator KASSEBAUM. Mr. Chairman, if I could just make one other observation. When you were talking about block grants, the figures have gotten worse under the monies and the procedures that we have now. I think what is important is not whether to

block grant or not block grant, it is to make things work better and to be more effective in the use of the moneys that we have. I couldn't agree more strongly with the comments of Senator Inouye about coordination. It involves education, the Indian Health Service, the Department of the Interior, the BIA. And it is not just this one area, it is so many others. It is hard here in the Senate to get coordination sometimes, but I really feel that the success is really not just whether to block grant or not to block grant, it is looking at things perhaps in a different way and be willing to take some risks to get a better product. And that is what we simply have to do. I support the directions that Senator Inouye has directed to those testifying in trying to help us work together on this because I think it will strengthen these efforts, I would hope, not diminish them.

Senator INOUYE. I do not want to embarrass Senator Kassebaum, but Indian country is most fortunate that the U.S. Senate has a Nancy Kassebaum. One of the few shining lights here, and there are not too many of us around. [Laughter.]

Ms. DEER. Senator Inouye, if I could make a comment on Senator Kassebaum's statement. As long as we're talking about block grants to the States, I would like to suggest that block grants to the tribes be considered. I feel that they are sovereign entities and we have had a lot of success in the compacting with the self-governance program. I think that as long as we're doing new ways and new methods, this should definitely be considered.

Senator KASSEBAUM. Well, maybe we could strike an agreement that we can work towards that if, indeed, we see greater coordination among the different programs and agencies that we will be block granting. As I say, I don't think it is that so much as making sure that the delivery systems are improving. That is what I think we need to work on.

Senator INOUYE. Thank you very much, Senator.

Thank you Secretary Deer and thank you Dr. Trujillo.

Now may I call upon the Associate Assistant Secretary for Employment and Training, Department of Labor, Josephine Nieves; the Director of the Office of Tribal Justice, Department of Justice, Herb Becker; the Director of the Office of Native American Programs, Department of Housing and Urban Development, Dominic Nessi.

May I first call upon the Associate Assistant Secretary for Employment and Training, Josephine Nieves.

**STATEMENT OF JOSEPHINE NIEVES, ASSOCIATE ASSISTANT SECRETARY FOR EMPLOYMENT AND TRAINING, DEPARTMENT OF LABOR, WASHINGTON, DC**

Ms. NIEVES. Thank you. Mr. Chairman and members of the Committee on Indian Affairs, I really want to thank you for the opportunity of being able to discuss the Department of Labor's employment and training efforts for Indian youth. Our goal is to help prepare young Indians and Native Americans for productive work lives.

To meet this challenge effectively, we believe it is essential to administer employment and training programs serving Indian youth in a way that promotes local initiative and that respects the Indian



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cultural values. Currently, a new partnership between the Department's Division of Indian and Native American Programs, or DINAP, and its 182 Indian and Native American grantees is ensuring that this principle is realized.

Assisting Indian communities to overcome the negative social and economic conditions that lead to the suicide, violence, and diminished aspirations that have been described so passionately by the Indian youth leaders before this committee on February 9 is a solemn commitment of this administration. And I am pleased to share with the committee the recent actions that have been taken by the Department that show this commitment.

It was 1 year ago, the Department's Assistant Secretary for Employment and Training, Doug Ross, testified before this committee. He spoke about the Department's programs for Indians and other Native Americans. At that time, Assistant Secretary Ross informed the committee of the Department's recruitment efforts to fill the position of the head of the Indian program. I am happy to say that today, Thomas Dowd, sitting to my right, a Hopi Indian, serves as the Chief of the Division of Indian and Native American Programs. Mr. Dowd's knowledge of grassroots Indian employment and training programs has truly bolstered the Department's efforts to better serve our Indian and Native American customers.

Assistant Secretary Ross' awareness and commitment to improve services to Indian grew further when he visited the Navajo Nation last November. Spending time on a reservation presented a great opportunity for him to learn about Indian country. He visited the Navajo Job Training Partnership Act program headquarters in Window Rock, AZ. He travelled to two field sites at Fort Defiance and Chinle, AZ. He spoke to Indian students attending community college and high schools to understand their education and career goals. Communications were enhanced and led to administrative improvements that I would like to describe a little later on.

On a personal note, a few weeks ago I had the very good fortune to visit the Fort Mojave Indian Reservation. I, too, was able to meet and interact with young Indian participants of the JTPA program there. I heard and saw the young people and leaned a great deal about them. This experience intensified my belief in the value of the Indian JTPA program.

Let me review with the committee, if I might, specific Department efforts to serve Indian youth. Section 401 of JTPA is the Department's principal program serving Indians and Native Americans. During the most recent program year, over 60 percent of the terminees in the section 401 program were under 30 years old. About 30 percent of the terminees were under 22 years old. A very youthful population. Many of our urban grantees operate year-round and summer programs for youth with their Section 401 funds to meet the tremendous need of the Indian and Native American young people off the reservation.

On most reservations the only summer program of any kind for young people is the Indian Summer Youth Program subsidized by title II-B of JTPA. That program funds work experience and training activities to develop job readiness skills, to provide academic enrichment, on-the-job training, and other necessary services related to skill development.

We have approximately 130 JTPA Summer Youth formula grants that are awarded to Indian tribes. They serve about 13,000 youth residing on federally and State recognized reservations. Funding for the 1995 Summer Program is about $15.8 million. This modestly funded program alone we know is not going to solve the many overwhelming problems that we know face Indian youth today. However, the kinds of job skills and academic enrichment offered by this program I think are critical in preparing youth for productive work lives; about I think the best investment that we can make in youth. As the committee is no doubt aware, there is a proposal pending in the House for rescissions of the Department's fiscal year 1995 budget. Two of these rescissions would eliminate the JTPA Summer Youth Program in the summers of both 1995 and 1996 entirely. For many Indian youth, this is their first opportunity to work and their first step learning the work ethic. In many instances, as you all know, this is probably the only opportunity for summer work that they have.

In general, the Summer Program provides valuable services for low-income youth. Studies by the Department of Labor's Office of the Inspector General, OIG, as well as Westat Inc. found the JTPA Summer Youth Program to be well run. For example, the OIG report found that the young participants were productive, interested, closely supervised, learned new skills that they could apply to their school work, and took pride in their employment.

I want to share with the committee two examples of model Summer Indian Youth Programs that are making a tremendous difference in meeting the intense challenges faced by Indian youth. In addition, I want to mention that both programs were locally developed and carried out within the context of what works in Indian country and what is culturally appropriate.

The first example is the Summer Youth Employment Program managed by the Cherokee Nation of Oklahoma. This program provides that all-important first job for Indian youth, but it does much more than that. It also commonly provides a source of income to use for school books and supplies, for clothes, for college savings, and sometimes for financial assistance to their families. The 500 youth of the Cherokee Nation served by this program get more than just the opportunity to work. Their program provides a comprehensive set of activities that promote stable families and communities, and we all know you cannot disengage a young person from the family and the community setting. Cherokee youth participate in a tribal internship program that enhances leadership skills and citizenship. Indian youth fill summer positions with tribal courts, elder centers and health care facilities. They also attend a national vocational conference for a week of skills training that focuses on academic enrichment. Through the community enrichment activity, the youth work on projects that benefit the entire community. These include beautification and renovation projects supported by the local city council. The Cherokee Nation's Summer Youth Program is strengthening their youth, their families, and their community.

This fortifying effect also occurs in my second example, the Gila River Community's Summer Youth Program in Sacaton, AZ. This program has an integrated approach to work and education; it

blends the classroom academic concepts with the workplace. Throughout the school year, the idea of learning-rich classrooms and worksites reinforces the importance of education and its relevance to the workplace.

A lack of adequate education facilities and summer job opportunities within the Gila River Community motivated the program managers to develop linkages with surrounding institutions that provide the academic enrichment and the job skill training. The Gila River tribal leaders are committed to providing more than just summer jobs. They want their youth to obtain the prerequisite education and skills needed to open the doors to professional careers. This is the first step in a career ladder.

One linkage forged by the Gila River Community's Summer Youth Program is with Central Arizona College's mass communications skills training program. This combination of resources enabled the production of two videos, one about teen awareness of alcohol and drug abuse, and the other elderly issues and concerns. Both videos benefit the entire Gila community. The American Indian Summer University Experience held at Arizona State University and a similar program at Northern Arizona University exposed the youth in the programs to many skills and different fields. These include college survival skills and careers in engineering, science, education. These soon-to-be first generation college students receive academic credit toward completing high school, academic guidance, and encouragement to attain their newly expanded academic and career goals.

The youth of the Gila River Community, and also those from other rural reservations, benefited far beyond the capacity of the JTPA funded Summer Youth Program through these very important linkages. I heard the conversation we were having about coordination and linkages and we understand that these are extremely important. The Gila River Indian Summer Youth Program and that of the Cherokee Nation are only two examples of Indian communities meeting the challenges confronting their youth, their families, and their community.

And let me take this opportunity to inform the committee about the continuing efforts to carry out Public Law 102–477, the Indian Employment, Training, and Related Services Demonstration Act. We are working to implement the law in coordination with the Departments of the Interior, Health and Human Services, and Education. This law is critical to the successful consolidation of employment and training programs that produce locally determined initiatives to serve youth and adults.

Thus far, all of the Public Law 102–477 plans submitted by 10 tribes have been approved. The Department is taking the lead in encouraging additional tribes to participate in this initiative. Our Deputy Secretary Thomas Glynn has directed my office and Mr. Dowd to assume responsibility for this effort. We plan to build on the work of the Federal interagency group to address program coordination and management issues. We also plan to engage, as appropriate, the tribal workgroup representing the interests of participating tribes and those seeking to submit proposed plans for the demonstration project. A Public Law 102–477 workgroup meeting

is scheduled for late March to provide direct technical assistance to those tribes wanting to develop and submit plans for approval.

In addition, I want to take this opportunity to inform the committee of the Department's partnership activities involving the Native American Employment and Training Council and others. This council, which is authorized by Title IV of JTPA, continues to directly advise the Department on all partnership activities, proposed policy initiatives, and efforts to improve program results. Council members have participated in a workgroup that will revise and streamline the section 401 regulations, and they are making great headway on it already. Grantees on the council volunteered to served as pilot sites for a new automated reporting system demonstration project. The project is going to enable grantees to provide the Department individual client level data as opposed to only aggregate data that is now available. The council has assisted with establishing an hourly wage goal for program year 1995 required by the Assistant Secretary. Council members provided direct comment on a draft request for proposals to evaluate the JTPA section 401 program, and that evaluation will be underway. The council will also serve as a technical advisory group during this evaluation study.

I would also mention that the Assistant Secretary Ross has established a departmental goal that further demonstrates our commitment to the advisory role of the council. The goal states that 85 percent of the advisory council members will rate their relationship with the Department of Labor as positive or extremely positive in 1995; a goal that I feel confident we will be able to fulfill. But to fulfill the vision statement of principles adopted by the council this past October, a 24-month partnership plan will be drafted with our partners during this first week of April. The partnership plan will serve as a blueprint to guide the program toward higher performance success and improved results over the next 2 years.

The School-To-Work Opportunities Act of 1994 will fund grants that provide Indian youth access to opportunities that prepare them for first jobs in high-skill, high-wage careers and future postsecondary education and training. These grants will be announced soon in a solicitation for grant awards. The Departments of Labor and Education jointly propose to have the final grant package ready for publication by the second week of March. Grant awards will be announced by June 30. Eligible entities may apply for either a developmental or an implementation grant. They must include tribal organizations responsible for economic development, employment and job training, and education, and they must involve schools funded by the BIA. The two Departments anticipate awarding approximately eight developmental grants of $30,000 and up to five implementation grants ranging from $50,000 to $100,000.

To streamline their administrative burden, the Department has recently worked cooperatively with the Navajo Nation. This was in response to their request for relief from multiple administrative requirements resulting from the Navajo Nation operating various programs in three different States—Arizona, New Mexico, and Utah. The Department's response to the Navajo Nation proposes a way to streamline the myriad of planning, reporting requirements and performance standards by consolidating the tribe's JTPA pro-

grams under a single administrative entity. This is being achieved through a cooperative arrangement with the States of Arizona, New Mexico, and Utah.

Finally, I would like to mention the President's proposed G.I. Bill for American workers. The section 401 program is not part of this proposal because of the special needs of Indians and Native Americans living on reservations. However, we believe that the redesigned employment and training system will offer greater opportunity for all participants, including Indians and Native Americans not living on reservations, than in the present system. The proposed system will empower individuals to choose the training they need at any eligible institution they choose; it will provide job seekers high quality information on job opportunities, career options, success records of training institutions so that they can make sound, informed decisions; and they will provide greater flexibility to States and local communities to tailor the information and services to their specific needs. It will also ensure that all systems at the Federal, State, and local levels are managed for high quality results. In addition, an array of current youth programs will be transformed to support the education and school-to-work reforms already underway in States and local communities, for both in school and out of school at-risk young people. We hope to work with the Indian and Native American communities to ensure that these new initiatives will be closely coordinated with the section 401 programs.

In conclusion, the Department has a serious commitment to reaching out to Indian and other Native American communities to provide assistance in enhancing the employment and training opportunities available to youth in those communities. I have described some important steps that we have taken to promote a new partnership. While much remains to be done, we believe a foundation has been established that will result in improving economic opportunities for many young Indians and Native Americans.

I want to thank you. This concludes my prepared statement, but I would be very happy to answer any questions.

[Prepared statement of Ms. Nieves appears in appendix.]

Senator INOUYE. I thank you very much, Ms. Nieves.

May I now call on Mr. Becker.

**STATEMENT OF HERBERT BECKER, DIRECTOR, OFFICE OF TRIBAL JUSTICE, DEPARTMENT OF JUSTICE, WASHINGTON, DC**

Mr. BECKER. Thank you, Vice Chairman Inouye, Senator Kassebaum. At the outset, I want to pass on to you, Senators, the Attorney General's thanks for support of the Office of Tribal Justice which the Senate approved with swift action when it came back in session in January. She is also thankful for the expressions of support given to her by the Chairman and by Senator Domenici and others. She thinks that this effort in creating this office reflects the appropriate bipartisan support that the country has toward Indian initiatives.

As the Chairman noted, the testimony on February 9 before this committee on challenges confronting American Indian youth attests to the leadership, vitality, and courage among Indian youth in

seeking to solve these problems. Creative leadership among the tribes will be, and has to be, a key asset in any effort to address this most difficult problem facing Indian country and Indian youth. The problem of course, as we know and as the grim statistics that you have noted shows, Senator, is an ever-increasing crime rate in Indian communities involving juveniles.

Tribal leaders have expressed their concerns, and they are not alone in their effort to respond to and prevent crime in Indian country. By statute, the Department through the U.S. Attorneys' offices is responsible for prosecution of crimes occurring on Indian reservations for crimes between Indians and non-Indians in most of Indian country. There are exceptions under Public Law 280, as this committee is aware. The Department is committed to carrying out these responsibilities in a manner consistent with the government-to-government relationship that exists between the tribes and the Federal Government. This government-to-government relationship is consistent with the sovereign status that the tribes have.

Crimes in Indian country extract a tremendous price from the communities in this Nation. Indian communities have paid a particularly high cost both in terms of broken lives and dollars lost. Indian youth are particularly vulnerable to the effects of the violence. According to the FBI, 1,259 Indian country violent crimes and child sexual abuse investigations were conducted in 1993 and that number went up to 1,406 in 1994. The Indian Health Services reports that homicide is the third leading cause of death of American Indians in the following age groups: those between the ages of 1 and 14; between 15 and 24; and between 25 to 44. The homicide rate for Indians is 1.5 times higher than the rate of the general population and 2.6 times higher than the rate of the white population. Those kinds of disproportionate figures are reflected throughout criminal activity on Indian reservations.

The BIA Division of Social Services, for instance, reported nearly 32,000 child sexual abuse reports in 1993; over 4,100 of which constituted sexual abuse allegations. In 1994, while the numbers decreased to 26,000, there were still over 3,400 which constituted sexual abuse allegations. The Division of Law Enforcement of the BIA reports that the rate of sexual offenses, excluding prostitution and rape, in Indian country is 228 occurrences per 100,000 inhabitants versus 41 occurrences for the general population in the United States. The rate of forcible rapes is 32.5 occurrences per 100,000 inhabitants in Indian country versus 24.6 occurrences per 100,000 in rural counties. Further, attempted rapes in Indian country occur at a rate of 14.6 per 100,000 inhabitants versus 2.7 per 100,000 inhabitants in rural counties.

These statistics are grim and growing, you had noted earlier in your questioning of Dr. Trujillo. These are alarming figures which underscore the vital importance of combining our efforts to address and prevent crime in Indian country. The Department hopes to work with tribal leaders, tribal police departments, and Indian youth to reduce and prevent crime in Indian communities. But as this committee is aware, these efforts have to be supported by appropriate legislation in Congress.

Let me explore with you briefly the criminal investigation and enforcement in Indian country. The U.S. attorneys' offices and the

criminal division within the Department of Justice, in coordination with the BIA, the FBI, and the tribes, are working to address the unique problems of combating crime in Indian country. The prosecution of violent crimes against victims in Indian country is one of the Department's highest enforcement priorities, especially where the victims are children.

Federal prosecution in Indian country is the responsibility for the most part of the Department. That responsibility is carried out by the U.S. attorneys' offices. Those offices have focused on how to better provide services to Native American population. The Department has encouraged those offices to appoint special assistants for Indian affairs in order to develop better working relations with tribes and to provide a point of contact for criminal victims and their families, tribal law enforcement officers, victim advocates, social workers, prosecutors, and many other officials. Many such appointments have already been made and we expect additional appointments in the near future. In recognition of the importance of this task, 26 additional assistant U.S. attorney positions have been provided by the Department to those districts with significant amounts of Indian country within those districts.

The problems involving the scope of Federal, State, and tribal jurisdiction present a barrier to effective law enforcement in Indian country. In order to address crime in Indian country, the U.S. attorneys consider it critical to leverage resources by developing working groups with both tribal and State governments. Some offices have worked with Federal, tribal, and State agencies to develop memoranda of understanding to address problems caused by overlapping jurisdiction. The committee had asked as to what kind of coordination is going on by the Federal Government. Let me point out one example. Last year, the tribes in Oklahoma and the U.S. attorneys office in the three districts in Oklahoma worked with the FBI, BIA, Indian Health Service, and the State of Oklahoma to develop a memorandum of understanding [MOU] to guide the investigation, reporting, and prosecution of physical and sexual abuse of Indian children. This model is being examined by other U.S. attorneys offices and they are working with affected tribes and States to see if they can't reach similar memoranda of understanding to hasten prosecution of these types of crimes.

The Department has also encouraged the U.S. attorney's office to sponsor meetings with tribal officials to address crime issues, particularly child sexual abuse, and we have made resources available for this purpose.

Within the Department, we are redesigning our training program to ensure that Federal prosecutors understand the jurisdictional framework for Indian country, the law, and their responsibilities to American Indian communities. The FBI is providing similar training for agents assigned to Indian country or having significant responsibilities in Indian country. Next month, the FBI along with a number of tribes are having training in Arizona as further attempts to coordinate investigation of crimes that occur in Indian country. The goal of this training is to ensure that the Federal enforcement responsibilities are carried out sensitively, responsibly, and effectively.

The types of crimes that are of high priority, as I noted earlier, one is child sexual abuse. The prosecution of these cases in Indian country is of great concern within the Department. Since the enactment of the Indian Child Protection Act, the Crime Control Act, and the Indian Law Enforcement Reform Act in 1990, the Department has taken steps to enhance its responsiveness to Indian child victims and to utilize fully the tools provided by Congress.

On issues of child protection, there is a section within the criminal division known as the child exploitation and obscenity section. This section enhances, through its expertise and human resources, the ability of the U.S. attorneys' offices to prosecute child sexual abuse cases. That section is staffed by attorneys with backgrounds and expertise in child protection issues and protection of child exploitation cases. Since last November, seven new attorneys have been added to that section and those attorneys have extensive expertise in child sexual abuse and Indian country issues.

The Department is also committed to close coordination with other Federal agencies to ensure the efficient allocation of limited resources and to better leverage available resources. Two years ago, the Department convened a meeting of Federal agencies to discuss how we might improve our response to child victims of crime in Indian country and allocate our resources to enhance these efforts. As a result, we have established good working relationships with the other relevant agencies. We are confident that this will translate into a more unified and successful approach to addressing the problems of children who are victims of crime.

The Department has adopted and strongly endorses the multidisciplinary approach to handling of these sensitive and tragic cases. We are in the process of establishing, where appropriate, multidisciplinary teams for each reservation. A victim-witness coordinator has been established in each U.S. attorneys' office and is available to work with tribal victim assistance programs.

With regard to the handling of juvenile offenders, there has been a dramatic increase in recent years in the number of Indian juvenile offenders referred for Federal prosecution. There has been a dramatic increase in the level of violence perpetrated by these young offenders. To give you an example, for the district of New Mexico, as of February of this year, that office has pending matters on 33 juveniles; crimes including a larceny, 11 serious assaults, 13 sexual abuse cases, and, more alarmingly, 8 murders. Based on this trend, the Department expects to receive more and more of these types of referrals.

Much of the juvenile crime on Indian reservations appears to relate to or result from loose-knit gangs and alcohol abuse. I believe Dr. Trujillo noted that in response to questions that you posed to him. We have also noticed a disturbing amount of witness intimidation in juvenile cases. When violence-prone youth band together, their boldness and defiance of authority increases. In many Indian communities, law abiding victims and witnesses have been openly threatened with retaliation by youth gangs if they cooperate with law enforcement authorities. This disturbing trend towards witness intimidation is hampering investigation and prosecution of violent crimes.

Federal criminal investigation in Indian country is basically done by the FBI, the BIA, and, where tribes have contracted under 638 for their law enforcement, by tribal police. To be effective in reducing crime in Indian country, increased prosecutorial resources must be mirrored by an increase in law enforcement personnel. During fiscal year 1995 and 1996, the U.S. attorneys hope to encourage further development of tribal police and law enforcement programs and to encourage aggressive cross-designation of tribal police with BIA and other appropriate policing authorities. Furthermore, 27 additional FBI agents will be assigned to supplement the agents currently conducting investigations in Indian country, bringing the total of 124 FBI agents with investigatory responsibilities in Indian country for this year.

Because of the complex jurisdictional issues and the expanse of Indian country, the FBI works with tribes to develop law enforcement efforts. These efforts include the initiation of an operation safe trail program in Arizona with the Navajo Nation's department of law enforcement. The program is designed to address major crime and sexual abuse in Indian country, and is staffed for the first time by a task force of FBI special agents working with Navajo tribal police officers. Last fall, as a result of this cooperative effort, there were the first successful convictions in Arizona of people investigated by this special task force. The FBI field offices in other areas are exploring the possibility of implementing the Safe Trails program also. In addition, the FBI has developed pilot programs to train tribal police in FBI facilities. The FBI plans to expand its program and training efforts to include regional training programs for tribal police officers. This effort we feel is necessary in order to protect the chain of custody and allow the tribal police officers to be effective witnesses in criminal prosecutions conducted by the U.S. attorneys' offices.

We have taken other steps to build the tribal capacity to address crime in Indian country. Although the Department has major responsibility under the Federal Major Crimes Act for crimes occurring in Indian country, the solutions to the crime problem must come from within the tribal communities themselves. The Department is committed to enhancing the capacity of tribes to confront the problems of crime in their communities. And to that end, last fall monies were appropriated under the Violent Crime Control and Law Enforcement Act of 1994 for the establishment of the Community Oriented Policing Services program [COPS]. The Department of Justice in conjunction with the BIA held regional meetings throughout the country for all the representatives of the federally recognized tribes to explain to them the funding that was available to them for having police officers put on the ground. That resulted in 128 tribes receiving over $9 million in funding from the COPS program. Such direct grants to tribes are an important step toward building tribal law enforcement capacity.

One of the recurring questions, Senator, that came out of those meetings, and it goes back to a question you asked earlier, is, with the changes going on in the House, the tribes want to know what kind of moneys there will be in the out years after this fiscal year ends. Of course, not having crystal balls, we could not adequately respond to that question. But we would note that this COPS pro-

gram provided for the first time an effective vehicle for the tribes to have law enforcement in the community and think it is essential to continue that type of program.

We have also worked very closely with tribal courts. Tribal courts are critical to law enforcement in Indian country. Tribal courts have exclusive jurisdiction where both the offender and victim are Indians where it is not a major crime. And even where it is major crime and subject to Federal jurisdiction under the Major Crimes Act, the tribal court has concurrent jurisdiction with the Federal Government and, where those tribes are subject to Public Law 280, they have concurrent jurisdiction with those States that are exercising criminal jurisdiction pursuant to that law.

The major problem we have heard from the tribal courts is that they cannot prosecute for lack of funds. We would note that the 103d Congress passed legislation to enhance tribal courts and we would urge the committee to see if appropriations could not be appropriated to fund that act as a way of improving tribal court delivery of justice.

Within the Department of Justice there is an office of policy development which has initiated a tribal courts project. The goal of the project is to assist tribes in developing and strengthening their systems of justice so that tribal governments are able to establish, maintain, and enforce the laws that govern Indian lands.

Tribal court systems are particularly significant in the handling of cases where children are victims, as well as where children are offenders. The tribal court system is the closest—culturally and physically—to the victims, offenders, and their families, and thus adjudication in these courts may have the most immediate and profound impact on crime rats in Indian country. To reduce crime, it is critical to have an adjudicative, value-enforcing institution in the community that can deal with child abuse, child neglect, and criminal acts committed by youth. Strong tribal courts also are an essential component of tribal sovereignty and self-governance.

As I noted, adequate funding would be of particular assistance in the development of tribal courts. Such courts could deal with families and could handle cases dealing with family violence, domestic relations, child support, child abuse and neglect, and juvenile delinquency, or some combination thereof depending on the particular wishes of the tribal government.

The Office of Policy Development's Tribal Courts Project, which is coordinates its activities with the BIA and the National Tribal Judges Association headed up by Judge Cochivey, is undertaking a number of efforts related to the improvement of tribal family court and juvenile justice systems. The project will soon initiate a tribal court–DOJ partnership program with certain tribal governments which will coordinate Department resources aimed at improving tribal systems of justice. The particular emphasis of the partnership will be family violence and juvenile justice. The Department tentatively plans to focus resources on increased training opportunities for tribal court judges in these areas, and will support traditional tribal justice systems—such as the Navajo Nation Peacemaker Court system—for the handling of juvenile justice issues.

Other funding initiatives undertaken by the Department include funding for law enforcement, crime prevention, and victims of crimes. This is handled through the Bureau of Justice Assistance, a division within the Office of Justice Programs of the Department. The Bureau of Justice Assistance, through their Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, provide formula grants to States to assist States and local criminal justice systems. Local justice systems include tribes and tribes are eligible to receive funding from the States under this program.

In addition, BJA tentatively has planned to provide the following awards from discretionary funds maintained by the Department. Those awards are: Planning grants to three reservations for the establishment of a comprehensive plan to reduce crime, domestic violence, and drug and alcohol abuse; funding for the improvement of tribal court systems, including the possible establishment of a pilot project to increase the effectiveness of prosecutions of child sexual and physical abuse; and support for training and technical assistance for programs in Indian country offered by the Office of Victims of Crimes and BIA law enforcement.

In addition, the Bureau of Justice Assistance will work with HUD in seeking to establish with the Boys and Girls Clubs of America facilities on reservations in Indian country to assist them to provide alternatives for youth to crime.

The Office of Juvenile Justice and Delinquency Prevention manages the Native American pass-through provisions of the Juvenile Justice and Delinquency Act. That office provides training, technical assistance, and grant funds to tribes and institutions for the prevention and treatment of juvenile delinquency. Concurrently, that office is engaged in several initiatives in Indian country. It is providing assistance to the Pueblo of Jemez in New Mexico, the Navajo nation, Gila River Indian community in Arizona, and the Red Lake Band of Chippewa in Minnesota to develop community-based alternatives to secure detention and incarceration facilities.

In this year, that office plans to identify a site in Indian country for one of five "Safe Futures" programs. Safe Futures programs will focus on implementing a comprehensive delinquency prevention and intervention program. This program will enhance public safety and provide a continuum of care for at-risk and delinquent youth.

The Office also plans to replicate the Bethesda Day Treatment Center model in Indian country. That model provides day treatment to improve the academic and social skills of juveniles referred to it by the courts. The services offered by such a center include family therapy, individual and group counseling, academic support, job skills development, and substance abuse prevention and treatment.

The Office of Victims of Crime works with Federal, State, and tribal authorities to support programs to compensate and assist victims of crimes. In addition, that office offers training for tribal, State, and Federal law enforcement officers, prosecutors, and social service and mental health staff through the biennial Indian Nations Conference.

In 1994, the Office of Victims of Crime's Victim Assistance in Indian Country [VAIC] grants supported the efforts of 352 staff and 668 volunteers providing an array of critical victim assistance serv-

ices to crime victims on reservations and in Native American communities. The subgrant awards have supported the development of more than 50 tribal victim assistance programs in 19 States. That office has awarded approximately $5.4 million in funding cycles since 1989 to these States for the programs for the tribes. The office also supports training and technical assistance to subgrantees through an independent grant contractor.

Since 1989, the office has provided funding to 28 tribes through the Children's Justice Act to improve the investigation, prosecution, and handling of cases of child abuse, particularly child sexual abuse. The office also supports its Native American Children's Justice Act grantees through training and technical assistance provided by the National Indian Justice Center.

Domestic violence is also being addressed. The Violence Against Women Act, established under the Violence Crime Control and Law Enforcement Act of last year, authorizes and appropriates funds for grants to combat violent crime against women. The act stipulates that 4 percent of the funds must be reserved for direct grants to tribal governments. The Office of Justice Programs anticipates awarding 15 to 20 grants to Indian tribes through this discretionary program.

In conclusion, Senator, despite the grim statistics which we are all aware of, the Department is optimistic that the future will be brighter for the Native Americans. I say this because we have had the opportunity to work with many tribal leaders. America's tribal leaders are talented, dynamic, creative, and committed people. Our optimism also rests on the knowledge that the Federal Government is developing a new partnership with the tribes, a partnership that will bring new thinking to bear on the problems of crime in Indian country.

The Department looks forward to working with the tribes and the Senate Committee on Indian Affairs to build strong, safe, tribal communities in which Indian youth can survive. That concludes my testimony. Thank you.

[Prepared statement of Mr. Becker appears in appendix.]

Senator INOUYE. I thank you very much, Mr. Becker.

Mr. Nessi.

## STATEMENT OF DOMINIC NESSI, DIRECTOR, OFFICE OF NATIVE AMERICAN PROGRAMS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, WASHINGTON, D.C.

Mr. NESSI. Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to discuss the critically important subject of challenges facing Native American youth and to discuss the concerns identified by those young people that testified during the hearing that you held on February 9. Secretary Cisneros sends his sincerest regards and strong support for your efforts in this area.

Senator as you may remember from the Secretary's appearance at a recent appropriation oversight hearing conducted by this committee, he mentioned that he would soon visit a number of Indian reservations in Montana, including the Northern Cheyenne Reservation in Lame Deer. I had the good fortune to accompany him during that visit which took place, and I would like to begin this

testimony by recounting a tragic, but all too often common story about a 16 year old Northern Cheyenne boy who was found murdered on the reservation on February 7.

We have provided copies of the newspaper article to your staff. This one article recounting this story is almost a textbook case of the many social ills facing today's youth. A dysfunctional family, over-crowded housing conditions, juvenile delinquency, welfare, vandalism, teenage substance abuse, violence, and, finally, a murder and a suicide are all included in this one single newspaper article. The story in-between the lines describes a loss of hope and direction, being replaced by despair and tragedy.

These shocking deaths are all the more disturbing when you consider that this young man's grandmother moved him from Billings, MT, back to the reservation because she felt that it was a safer and healthier place to grow up. Ironically, the Northern Cheyenne are one of the first Indian reservations to open a Boys and Girls Club and to begin a tribal initiative to combat these issues. Unfortunately, in this case, the good people of Northern Cheyenne simply didn't have the money or resources to reach this young man.

Senator, I travel extensively to the reservations and I want to assure you that every time I encounter another story like this it affects me personally and it makes me want to increase our efforts, not only my own but the Department's efforts, on behalf of Native American youth.

His murder and his friend's suicide are symptoms of the social ills that this Department is fully committed to helping tribes and Indian housing authorities address. We must place special importance on youth programs, both for the present and long-term health of Native Americans and Native communities.

The positive effect of this effort extends well beyond the Native American community to the Nation as a whole. If we are ever to reverse the hundreds of years of tribal dependency on the Federal Government and replace it with a productive and cooperative partnership relationship, we must reach these future leaders.

Last year we did have one Native American youth work in our office during the summer. This year we hope to have two more through a program sponsored by American University for Native American youth. It is a very successful program and we hope it will continue because it provides us with access to young Native American interns.

Of the programs that HUD administers in order to help Native American young people, I would like to highlight today the Public and Indian Housing Drug Elimination program, the Youth Sports program, cultural contests that the Department holds for Native American young people, the Department's involvement with the Boys and Girls Clubs of America, and just a few examples of volunteer work that HUD staff contribute on behalf of Native American youth.

Substance abuse is the most severe health and social problem in Indian country today. I am not going to go back through all of the statistics that Dr. Trujillo and Herb and others have already recited. But we understand that changing the social and economic environment in which illicit drug use thrives is essential for long-term reduction in substance abuse. Furthermore, comprehensive

community-based prevention provides a supportive foundation for effective treatment and law enforcement.

HUD implements its Drug Elimination Program from this social and economic perspective. Indian housing authorities and residents have a great deal of flexibility within this program to address their specific drug-related problems. Senator, let me mention that in 1996, the Department's budget is proposing an increase in the Drug Elimination Program and we will continue to have those funds go directly to tribes and Indian housing authorities. No HUD Native American program funds go to States.

Eligible grant activities include: Employing security personnel and investigators; working with local law enforcement agencies for security; making physical improvements to enhance security; establishing of voluntary tenant patrols; and designing drug prevention programs, including education, family, and other supportive service programs, youth services, and job training. In fiscal year 1994, 43 of 60 Indian housing authorities that applied were funded for almost $8 million. Since 1989, HUD has funded approximately $25 million for these activities. Let me mention that there are 180 Indian housing authorities. When 60 apply, that is fully one-third of the Indian housing authorities that are attempting to use these dollars.

I would like to point out just a few of the different ways that HUD's Drug Elimination Program dollars have been used. The Crow Nation in Montana has used drug prevention funds to create a cultural presentation called "Our Way of Life." This show contains Crow songs, dances, and traditional flute music. The dancers, singers, and presenters in the show emphasize education, Crow language and culture, and anti-drug themes. The wide variety of age groups in the show help both participants and audience members defeat the feelings of isolation that lead to so many problems in Indian country.

Another new important initiative under the Drug Elimination Program will also confront directly the despair that too often leads young people to substance abuse and gang membership. This initiative is a HUD-sponsored training program called "The New Warriors: American Indian Youth Development and Leadership Today." Training sessions for this program will be hosted this year by reservations in each of the six offices of HUD's Native American Programs. Young people will be the leaders and role models in these sessions, which will include anti-crime, anti-drug tactics that are culturally relevant to American Indian youth, leadership skills, negotiation skills, conflict resolution, self-esteem, traditional values, and forming youth community groups.

The Office of Native American Programs, along with the Menominee Tribal Housing Authority and the Menominee Tribal Police Department, will be co-sponsoring a national drug elimination crime prevention conference the week of May 6 through 11. I would like to mention that we are working closely with the Department of Justice and the Bureau of Indian Affairs on this effort. The conference theme "Building Positive Partnerships for a Brighter Tomorrow" embraces the Department's vision of establishing positive networking opportunities and strengthening partnerships among Indian housing authorities and law enforcement officials.

I would like to also mention another activity that is going on at the Passamaquoddy tribe where HUD has funded an effort called "The Native Brothers." That is a group of young men who have taken a vow of being drug- and alcohol-free. That activity is spreading to other reservations and they have now created a Passamaquoddy group called Little Eagles for the young members of the tribe.

HUD's Youth Sports Program is based on the conviction, shared by Indian people for thousands, of years that fitness and participation in sports are an extremely effective way to build identity and self-esteem. The Youth Sports Program funds cultural, educational, recreational, and other activities designed to appeal to youth as alternatives to the drug environment in Indian housing projects. Acquisition, construction, or rehabilitation of community centers, parks or playgrounds are all eligible activities under the program.

A number of tribes have used Youth Sports Programs funds to organize youth camps through the Wings of America program. This youth development program of the Earth Circle Foundation uses running as a catalyst to inspire Indian youth to effect change in themselves and their communities and to take pride in their cultural identity.

In 1994, 21 Indian housing authorities received Youth Sports grants for $2.6 million out of 71 Indian housing authorities applicants.

HUD is also now working with the inner-city games of Los Angeles to expand the inner-city games not only to public housing communities, but also to have a Native American component of the inner-city games where Indian youth would be able to compete against young people from the cities. We are hoping to have that completed either in late 1995 or early 1996. We are working with Arnold Schwarzenegger and his foundation to expand this activity.

An important way that HUD attempts to promote pride in Native American youth and also to introduce them to the concepts of housing and economic development is through HUD-sponsored cultural activities. In 1993, we asked a young Native American teen from the Rosebud reservation, Lakota Clairmont, to design a poster which became the theme for HUD's efforts to enhance its relationship with the Native American community. In 1994, we sponsored Native American youth to submit drawings with their images of what Indian housing should look like. We received entries from over 150 young people and chose 13 drawings for inclusion in our 1995 American Indian Heritage Calendar. We distributed this calendar to tribes and Indian housing authorities. The images it contains reflect the variety of Native American youths' housing ideals, and are an important reminder to all of us of the importance of a home to young people.

Senator, this year we are sponsoring an essay contest for Native American youth for them to discuss what they feel they can do to improve their people's living environments. We intend to publish all of the essays in a book which will be passed out to tribes and to Federal officials.

Two final items that we are particularly proud of at HUD is, one, our relationship with the Boys and Girls Clubs of America. Dr. Trujillo mentioned SuAnne Big Crow, a young woman from the Og-

lala Sioux Reservation who died tragically in a car accident a few years ago. Doctor Trujillo had mentioned that her mother, who is a personal friend of mine, Chick Big Crow and her family, C.C. and other members of that family, wanted to establish something in SuAnne's honor. I am really proud to say that HUD, working with the Boys and Girls Clubs of America, created the second club in Indian country which is the SuAnne Big Crow Boys and Girls Club. I have been to that club a number of times and, again from a very personal perspective, I think the creation of that club and the work done by SuAnne's mom and family is an indication of how HUD and other Federal agencies can work with local communities to develop those sorts of activities.

In 1987, the Boys and Girls Clubs and HUD forged a partnership to create new clubs within public housing. That did not start in Indian country until 1992. Since that time, we have worked to create eight Indian housing Boys and Girls Clubs—at Sac and Fox; Pine Ridge, as I mentioned; Mescalero Apache; Absentee-Shawnee; the Delaware of Oklahoma; the Northern Cheyenne; Sisseton-Wahpeton in South Dakota; and the Pala Tribe of California. We believe that we could do another eight to twelve clubs almost immediately if funding was available. The response to our working with Indian housing authorities and the Boys and Girls Clubs has been overwhelming.

Many Indian housing authorities have used the Drug Elimination and Youth Sports Programs to initiate Boys and Girls Club activities, and we continue to work with local communities to convert non-dwelling space or abandoned units into youth centers. Senator, that is something that we are trying to do more. Wherever we find vacant houses that are just not being used, we are encouraging the housing authorities to immediately convert those into youth centers. We have done that on at least seven reservations that I am aware of. In some cases, we utilize some portion of development funding to build new centers. I am going down to Porch Creek in Alabama next week to see a new youth center that was built with Indian housing development monies.

Senator, all of these programs that we've talked about and dollars that are being spent I think are important, but I think there are some personal things that HUD staff have been doing in the past and I would like to just give you a couple of examples. In many ways that personal relationship that we have with the Indian community I think transcends some of the programs and the dollars that we're talking about.

One very special activity to me is something that my staff and I started 10 years ago back in Denver when I was the director of the Denver office where we created a very special weekend for Native American youth in the Northern Plains area. The entire event is a cooperative effort between HUD volunteers and Indian housing authorities from that area. The first year we had about 150 young people attend. At the end of this month, we will hold our 10th annual event and we expect almost 850 young people along with parents, chaperons, and coaches to attend our educational sessions and basketball tournament. I would like to mention that SuAnne Big Crow, who Dr. Trujillo mentioned, had attended that event and we now have named our Girls MVP trophy in her honor. Senator

Campbell, a member of this committee, attended our second annual event and we have invited him to come again this year and hope that he will help us celebrate our tenth anniversary.

Recently, one of our HUD employees who was a former NBA player was able to secure, through his contacts with the NBA, almost 500 free passes for Indian youth in the Phoenix area to attend the NBA All-Star activities. Again, this is something that is not part of our regular activities but it is something that our staff feel is important to build that relationship with the community.

Our goal is to demonstrate to the Native American community that we at HUD fully understand that there is more to building a home than simply putting up a structure.

Senator, thank you for the opportunity to appear before you today. I would be pleased to answer any questions that you may have.

[Prepared statement of Mr. Nessi appears in appendix.]

Senator INOUYE. I thank you very much, Mr. Nessi.

Before proceeding, I have been asked by Chairman McCain to extend to you his deep regrets in not being able to be present here. He has a very important chore to perform with the Government Operations Committee so he is there presiding at this moment. However, he has asked me to have his statement made part of the record. He also has a set of questions he would like to submit to all the witnesses for your consideration and response.

I will be submitting many detailed questions. But my questions at this time would be in rather general terms. First, on coordination. Ms. Nieves, the President in his G.I. Bill for American Workers has eliminated the JTPA Indian program, the Summer Intern Program. However, you have indicated that the section 401 program is intact because I believe the phrase you used was "special needs of Indians and Native Americans living on reservations." How did you determine that the JTPA program did not meet the "special needs" however 401 did?

Ms. NIEVES. Senator, first let me make a correction. The Department is not eliminating the Indian Youth Program.

Senator INOUYE. You consolidated that.

Ms. NIEVES. It is not. It is still to be run out of the national headquarters.

Senator INOUYE. There will still be a JTPA program?

Ms. NIEVES. Yes, it will.

Senator INOUYE. And what are you going to do with the rescission?

Ms. NIEVES. The rescission I believe would have dire consequences.

Senator INOUYE. So you have a program with no money?

Ms. NIEVES. We are not proposing a rescission.

Senator INOUYE. But you are telling me that the JTPA Summer Youth Grant to Indian entities is not terminated?

Ms. NIEVES. That's correct. If there is monies for it, it will be run out of the national headquarters.

Senator INOUYE. If there is money for it?

Ms. NIEVES. That's right.

Senator INOUYE. Did you discuss this matter with the BIA before coming up with this consolidation?

Ms. NIEVES. We did not propose a consolidation. We are not proposing a consolidation for the Indian set aside. That will remain, administered by the national office. There may have been some confusion and some error in some early documents that went out that mistakenly listed it as scheduled for consolidation. But it is not so. That was an error.

Senator INOUYE. I have here the President's budget. It says here "Program consolidations in the Department of Labor: Summer Youth Grants to Indian entities." What is that?

Ms. NIEVES. This is the Summer Youth Programs that would—

Senator INOUYE. And that's going to be consolidated? These 70 programs are going to be consolidated, right?

Ms. NIEVES. Yes; but the Indian set aside will not be consolidated. And if it is in there, it is an error.

Senator INOUYE. That and the 401 will not be?

Ms. NIEVES. Will not be, no, sir.

Senator INOUYE. However, you have consolidated this Summer Youth Grant but not the 401?

Ms. NIEVES. That's correct.

Senator INOUYE. Why the difference?

Ms. NIEVES. We feel it is important to highlight the needs of Indian people, Indian programs and that they would be best met out of the national office; direct administration out of DC.

Senator INOUYE. Now 401 was not in the consolidation package but JTPA was.

Ms. NIEVES. No; none of the moneys going to Indians were consolidated.

Senator INOUYE. Then this report is not correct?

Ms. NIEVES. I'm not sure what report you have got there, but I think so. That was not to be included.

Senator INOUYE. I am talking about the Summer Youth Grant.

Ms. NIEVES. That's correct.

Senator INOUYE. That's not consolidated?

Ms. NIEVES. It will not be consolidated; no, sir.

Senator INOUYE. So that's an error.

Ms. NIEVES. It is an error.

Senator INOUYE. Well, I thank you because we have to rely upon documents that you people submit.

Ms. NIEVES. I understand and I apologize for that.

Senator INOUYE. In coming forth with these programs, do you confer with each other? Do you talk to the BIA people?

Ms. NIEVES. Yes, we do.

Senator INOUYE. Is that the same thing with Justice?

Mr. BECKER. Yes, sir, Senator. Within the White House, as you know, they have a Domestic Policy Council. Last fall, created within that Council was a working group on Indian Affairs chaired by Secretary Babbitt. We had our first meeting last month and our next one is on the 24th. We are seeking executive-wide coordination of all the programs that relate to Indian affairs. So we are taking aggressive steps to coordinate.

Senator INOUYE. I ask this question because you emphasized the importance of funding for special tribal courts. As you know, there is a $1.4-plus million that is now being threatened in the rescission package. Is that correct?

Mr. BECKER. Within Interior, that's correct.

Senator INOUYE. I have been advised this morning that representatives of the BIA have notified appropriators that these funds are not necessary. Are you aware of that?

Mr. BECKER. I am not aware of that, Senator.

Senator INOUYE. I would suggest you discuss this matter with them because apparently your coordination is not working here. I have been told that BIA has advised the House appropriators that they don't need the $1.463 million for special tribal courts.

Mr. Nessi, you have listed a very ambitious list of programs. How many of them are now potentially on the chopping block with the rescission package?

Mr. NESSI. The Drug Elimination Program has a reduction of approximately 12 percent or $32 million.

Senator INOUYE. Is that the only one?

Mr. NESSI. Yes.

Senator INOUYE. All the other programs remain intact?

Mr. NESSI. Yes.

Senator INOUYE. What about the Department of Justice, anything on the rescission package?

Mr. BECKER. I need to get back with you on that, Senator.

[Information appears in appendix.]

Senator INOUYE. With Labor?

Ms. NIEVES. What was the question, sir?

Senator INOUYE. There is a huge rescission package now being considered. Anything in it that would affect you and Indian country?

Ms. NIEVES. Most definitely. It would eliminate the Summer Youth Employment Programs, the title II-B totally for both 1995 and 1996. That would mean that there would be no moneys for Indian youth programs.

Senator INOUYE. What sort of coordination do you have, Mr. Becker, with BIA?

Mr. BECKER. We meet with them through Ted Quasula, who is Chief of the Law Enforcement Division who here today, we meet with Ms. Deer's office, and with Secretary Babbitt's office on issues that we have in common in law enforcement, tribal courts, prosecution, juvenile justice.

Ms. NIEVES. Could I add, Senator, that the rescission would also mean a 10 percent cut in the title IV programs for Indians beyond the Summer Youth Program.

Senator INOUYE. May I request that all three of you submit to this committee those programs that will be affected by the rescission package. We would appreciate that very much. Also, if there are any more corrections to be made on the budget submission, we would like to have that. Otherwise, we will have to proceed on the basis of some document and this is the document that was presented. In fact, the question that was submitted by Senator Simon is on this very subject. He, too, read the budget request. Believe it or not, we Members of the Congress do read these voluminous documents. It is not fun reading but we do read them.

[Information appears in appendix.]

Senator INOUYE. We will be submitting to all of you many questions and we hope that you can respond to them and could submit

to us your responses to what you think would be the impact of the rescission package; how the block grant proposal would affect Indian country, whether it will be positive or negative, and, if negative, in what respects. If I may, I would like to request that those reports be submitted to this committee within 1 week. We do not have much time to act upon this. The Congress seems to be intent upon cutting corners and proceeding as expeditiously as possible, so we do not have the luxury of lengthy consideration.

[Committee's questions and departmental responses appears in appendix.]

Senator INOUYE. Again, I thank all of you for participating in this hearing. And once again I extend to you the regrets of Chairman McCain. Thank you very much.

[Prepared statements of Senators McCain and Dorgan appear in appendix.]

[Whereupon, at 12:10 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

# APPENDIX

## ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

### PREPARED STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA, CHAIRMAN, SENATE COMMITTEE ON INDIAN AFFAIRS

I would like to thank the distinguished Vice Chairman of the Committee, Senator Inouye for conducting this hearing, and the witnesses who will appear before the Committee to present testimony on the federal agencies role in addressing the concerns of American Indian youth. Last month, the Committee heard from a remarkable group of American Indian youth who vividly described the challenges that they face on a daily basis. Unfortunately, the information that they provided, verified the information that the Committee has received over the years regarding the problems of alcohol and substance abuse, suicide, teen pregnancy, and the lack of federal support for Indian education. These are issues that this Committee, and the Congress, have attempted to address through various Federal laws. However, by listening to the youth who testified before this Committee, these laws are either not being properly implemented, or are simply not working.

For example, in 1992, the Congress passed various Amendments to the Indian Health Care Improvement Act. One of the goals behind these amendments was to address the alarming health statistics of Indian youth—where suicide mortality for youth between the ages of 15 to 19 is 2.5 times higher than the national average, and American Indians begin abusing substances at a younger age than non-Indians, and where teen pregnancy was increasing at an alarming rate. The goal of improving the health status of Indian youth was to be accomplished through the implementation of the Indian Health Amendments of 1992, which required the Indian Health Service in cooperation with the Bureau of Indian Affairs to carry out programs for American Indian youth. For example, the implementation of a Comprehensive School Health Education Program whereby grants would be provided to tribes to develop a comprehensive health curricula. The Act also calls for the implementation of the Indian Youth Grant Program for Indian tribes to develop prevention and treatment models to promote the mental and physical health of Indian youth.

In addition, last Congress, this Committee found that at a time when Indian higher educational institutions are experiencing an overall rise in college attendance rates, they have not experienced the benefits of Federal resources and programs to the extent of other post-secondary institutions with under-served populations. This support is critical because oftentimes, these post-secondary Indian educational institutions are the only available alternative to American Indian youth to receive a post-secondary degree. Past data has shown that approximately 10 percent of the reservation Indian students who went directly from high school graduation to a non-Indian two year or four year institution actually succeeded in obtaining a college degree. However, these numbers are beginning to increase as a result of the advancement of tribal colleges and vocational education institutions, and can only continue to succeed with Federal support. Approximately 20 of my colleagues, including the Vice Chairman, submitted a Sense of the Senate Resolution calling for the White House to issue an Executive Order to promote and expand Federal assistance for Indian institutions of higher education—to the same extent as that of the Historically Black Colleges.

Since I have been a member of the Committee on Indian Affairs, and during my tenure in the House, I can recall the many times that I have heard tribal leaders praise and give recognition to the achievements of the young people of their communities. Over this same period, tribal leaders have appeared before Congress, to request funds and services for education, health and social services programs to help



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serve the young people of their tribes. These tribal leaders have labored many hours to change the system of Indian education, and to improve the chance of success for their young tribal members, both on and off Indian reservations. They do so because they know that a modest investment in youth today will reap enormous rewards in the generations to come. However, without the assistance of the Federal agencies, many of whom are represented hear today, these efforts are futile.

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PREPARED STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NEVADA

Mr. Chairman, myriad challenges confront Indian youth today, particularly problems surrounding education, employment and family issues. However, I focus my attention today on what I consider the most troublesome and tragic problem facing many young people in Indian Country—child abuse and neglect. Since my early days as a member of the other body, I have worked to reduce the heartbreaking effects of abuse and neglect that plague so many of our nation's children.

The staggering levels of abuse and neglect on Indian reservations are related to a larger issue, namely, the poverty, unemployment and alcoholism that has resulted from an overriding lack of economic opportunity and from indifference on the part of some Indian agencies. Like the residents of most communities, the vast majority of Indian parents care for and nurture their children. Unfortunately, though, the combination of socio-economic problems has exacerbated the problem of abuse on reservations.

We cannot ignore the victims of physical and psychological abuse. The federal government has a solemn trust obligation to protect them. And when these children suffer pain at the hands of adults, we have failed them.

More than four years ago, I conducted a hearing in Bismarck, North Dakota to investigate the causes of child abuse and neglect in my state. I was utterly dismayed and disgusted by what I learned that day. There was one story—about a little girl named Tamara—that touched me especially deeply. While under the care of foster parents, Tamara suffered from a broken arm and leg and had her hair torn out. The social worker who should have been ensuring Tamara's safety had a caseload of over 200 children.

After that hearing, I worked to increase the number of staff social workers on the Standing Rock Sioux Reservation—Tamara's home—from 1 to 12. The result brought enormous relief to those professionals who were working everyday to prevent the abuse and neglect of children on that reservation.

Last June, I chaired another hearing of this Committee in North Dakota. I discovered that the three other reservations in my State, Fort Berthold, Devils Lake and Turtle Mountain also experience serious problems with abuse and neglect

The Devils Lake Sioux Reservation has had 13 different people in its three staff social worker positions in the last two years. There are piles of abuse and neglect reports that have never been reviewed—because the staff resources just aren't available.

On the Fort Berthold Reservation, eight abused or neglected children attempted suicide in a two-week period. On the Turtle Mountain Reservation, foster parents locked a three-year-old boy in a closet and starved him. Young children are sexually molested by parents and step-parents. One girl turned to alcohol at age eight as a result of her father's abusive behavior. By age 14, she was an alcoholic.

So, what can Congress do? First, we must begin to pay more than lip service to the atrocious levels of abuse and neglect on reservations. Last year, worked to provide $2 million in the Senate's 1996 Department of Interior appropriations bill to establish model programs to fight child abuse and neglect on reservations. Much to my disappointment the amendment was dropped from the final legislation during conference committee negotiations.

This year, the BIA has requested $5 million for child protection and family violence prevention in its fiscal year 1996 budget request. The Child Protection and Family Violence Act of 1990 authorized the Bureau to provide grants to tribes to develop Indian Child Protection and Family Violence Protection programs. In 1994, Congress directed the Bureau to request funding for tribal child protection and family violence prevention programs when "regulations are in place and implemented." It is my understanding that these regulations, which will allow approximately 540 tribes to receive anywhere from $8,000 to $32,900 in grants, have been developed with tribal input and will be in place before the enactment of fiscal year 1996 appropriations. The grants can be used to hire child protection and family violence prevention staff, to conduct training programs for existing staff, to develop plans for investigations, and to create tribal child protection and domestic violence codes and

regulations. urge the Committee to review whether the BIA's budget request is adequate to tackle the problem of child abuse and neglect on reservations.

Indian children need and deserve that same safety and care that we provide to our own sons and daughters, and I plead with you to support initiatives that will help to ease their plight.

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PREPARED STATEMENT OF JOSEPHINE NIEVES ASSOCIATE ASSISTANT SECRETARY OF LABOR

Thank you for the opportunity to discuss the Department of Labor's employment and training efforts for Indian youth. Our goal is to help prepare young Indians and Native Americans for productive worklives.

To meet this challenge effectively, we believe it is essential to administer employment and training programs serving Indian youth in a way that promotes local initiative and respects Indian cultural values. Currently, a new partnership between the Department's Division of Indian and Native American Programs (OINAP) and its 182 Indian and Native American grantees is ensuring that this principle is realized.

Assisting Indian communities to overcome negative social and economic conditions that lead to suicide, violence, and diminished aspirations, described so passionately by the Indian youth leaders before this Committee on February 9, is a solemn commitment of this Administration. I am pleased to share with the Committee recent actions taken by the Department showing this commitment.

One year ago, the Department's Assistant Secretary for Employment and Treining, Doug Ross testified before this Committee. He spoke about the Department's programs for Indians and other Native Americans. At that time, Assistant Secretary Ross informed the Committee of the Department's recruitment efforts to fill the position of the head of the Indian program. Today, sitting next to me is Mr. Thomas Dowd, a Hopi Indian, who serves as the Chief of the Division of Indian and Native American Programs. Mr. Dowd's knowledge of grass-roots Indian employment and training programs has bolstered the Department's efforts to better serve our Indian and Native American customers.

Assistant Secretary Ross' awareness and commitment to improve services to Indians grew further when he visited the Navajo Nation last November. Spending time on a reservation presented a great opportunity for him to learn about Indian Country. He visited the Navajo Job Training Partnership Act (JTPA) program headquarters in window Rock, Arizona. He traveled to two field sites at Fort Defiance and Chinle, Arizona. He spoke to Indian students attending community college and high schools to understand their education and career goals. Communications were enhanced and led to administrative improvements that I will describe later.

On a personal note, a few weeks ago I had the good fortune to visit the Fort Mojave Indian Reservation. I was able to meet and interact with the young Indian participants in the JTPA Program there. I heard and saw the young people and learned a great deal about them. This experience intensified my belief in the value of the Indian JTPA Program.

Let me review with the Committee specific Department efforts to serve Indian youth. Section 401 of JTPA is the Department's principal program serving Indians and Native Americans. During the most recent program year over 60 percent of the termineea in the Section 401 program were under 30 years old. About 30 percent of the termineea were under 22 years old. Many of our urban grantees operate year-round and summer programs for youth with their Section 401 funds to meet the tremendous needs of the Indian and Native American young people "off the reservation."

On most reservations the only summer program of any kind for young people is the Indian Summer Youth Program authorized by Title II-B of JTPA. That program funds work experience and training activities to develop job readiness skills, provide academic enrichment, on-the-job training, and other services related to skill development.

There are approximately 130 JTPA Summer Youth formula grants awarded to Indian tribes. They serve about 13,000 youth residing on federally and state recognized reservations. Funding for the 1995 Summer Program is 15.8 million. This modestly funded program alone will not solve the many overwhelming problems faced by Indian youth today. However, the kinds of job skills and academic enrichment offered by this program are critical in preparing youth for productive work lives. As the Committee is no doubt aware, there is a proposal pending in the House for rescissions of the Department's fiscal year 1995 budget. Two of these rescissions would eliminate the JTPA Summer Youth Program in the summers of 1995 and

1996 entirely. For many Indian youth, this is their first opportunity to work and their first step learning the work ethic.

In general, the summer program provides valuable services for low-income youth. Studies by the Department of Labor's Office of the Inspector General (OIG) as well as Westat Inc. found the JTPA summer youth program to be well run. For example, the OIG report found that the young participants were productive, interested, closely supervised, learned new skills that they could apply to their school work, and took pride in their employment.

I want to share with the Committee two examples of model Summer Indian youth programs that are making a tremendous difference in meeting the intense challenges faced by Indian youth. In addition, I want to mention that both programs were locally developed and carried out within the context of what works in Indian country and what is culturally appropriate.

The first example is the Summer Youth Employment Program managed by the Cherokee Nation of Oklahoma. This program provides that all-important first job for Indian youth, but it does much more than that. It also commonly provides a source of income to use for school books and supplies, for clothes, for college savings; and, sometimes, for financial assistance to their families.

The 500 youth of the Cherokee Nation served by this program get more than just the opportunity to work. Their program provides a comprehensive set of activities that promote stable families and communities. Cherokee youth participate in a "Tribal Internship Program" that enhances leadership skills and citizenship. Indian youth fill summer positions with tribal courts, elder centers and health care facilities. They also attend a national vocational conference for a week of skills training that focuses on academic enrichment. Through the "community enrichment activity" the youth work on projects that benefit the entire community. These include beautification and renovation projects supported by the local city council. The Cherokee Nation's Summer Youth Program is strengthening their youth, their families, and their community.

This fortifying effect also occurs in my second example, the Gila River Community's Summer Youth Program in Sacaton, Arizona. This program has an integrated approach to work and education; it blends classroom academic concepts with the workplace. Throughout the school year, the idea of "learning-rich classrooms and worksites" reinforces the importance of education and its relevance to the workplace.

A lack of adequate education facilities and summer job opportunities within the Gila River Community motivated the program managers to develop linkages with surrounding institutions that provide academic enrichment and job skill training. The Gila River tribal leaders are committed to providing more than just summer jobs. They want their youth to obtain the prerequisite education and skills needed to open the doors to professional careers.

One linkage forged by the Gila River Community's Summer Youth Program is with Central Arizona College's mass communication skills training program. This combination of resources enabled the production of two videos, one about "Teen Awareness of Alcohol and Drug Abuse" and the other "Elderly Issues and Concerns." Both videos benefit the entire Gila community: The American Indian Summer University Experience held at Arizona State University and a similar program at Northern Arizona University exposed the youth in the programs to many skills and fields. These include college survival skills and careers in engineering, science, education. These soon-to-be first generation college students receive academic credit toward completing high school, academic guidance, and encouragement to attain their newly expanded academic and career goals.

The youth of the Gila River Community1 and also those from other rural reservations, benefitted far beyond the capacity of the JTPA funded Summer Youth program through these very important program linkages. The Gila River Indian Summer Youth Program and that of the Cherokee Nation are two examples of Indian communities meeting the challenges confronting their youth, families and community.

Let me also take this opportunity to inform the Committee about the continuing efforts to carry out P.L. 102-477, the Indian Employment, Training and Related Services Demonstration Act. We are working to implement the law in coordination with the Departments of Interior, Health and Human Services, and Education. This law is critical to the successful consolidation of employment and training programs that produce locally determined initiatives to serve youth and adults.

Thus far, all of the "477 plans" submitted by ten tribes have been approved. The Department is taking the lead in encouraging additional tribes to participate in this initiative. Deputy Secretary Thomas Glynn has directed my office and Mr. Dowd to assume responsibility for this effort.

We plan to build on the work of the Federal interagency group to address program coordination and management issues. We also plan to engage, as appropriate, the tribal workgroup representing the interests of participating tribes and those seeking to submit proposed plans for the demonstration project. A "477 Workgroup" meeting is scheduled for late March to provide direct technical assistance to those tribes wanting to develop and submit "477 plans" for approval.

In addition, I want to take this opportunity to inform the Committee of the Department's partnership activities involving the Native American Employment and Training Council and others. This council, authorized by Title IV of JTPA, continues to directly advise the Department on all partnership activities, proposed policy initiatives and efforts to improve program results. Council members have participated in a workgroup that will revise and streamline the Section 401 regulations. Grantees on the council volunteered to serve as pilot sites for a new automated reporting system demonstration project. The project would enable grantees to provide the Department individual client level data as opposed to only aggregate data that is now available. The council has assisted with establishing an hourly wage goal for FY 95 required by the Assistant Secretary. Council members provided direct comment on a draft request for proposals to evaluate the JTPA Section 401 program. The council will also serve as a technical advisory group during the evaluation study.

I would also mention that Assistant Secretary Ross has established a Departmental goal that further demonstrates our commitment to the advisory role of the council. The goal states that 85 percent of the Advisory Council Members will rate their relationship with the Department as positive or extremely positive in 1995.

To fulfill the "vision statement" principles adopted by the council this past October, a 24-month "partnership plan" will be drafted with our partners the first week of April. The "partnership plan" will serve as a blueprint to guide the program toward higher performance success and improved results over the next 24 months.

The School-To-Work Opportunities Act of 1994 will fund grants that provide Indian youth access to opportunities that prepare them for first jobs in high-skill, high-wage careers and future post-secondary education and training. These grants will be announced soon in a Solicitation for Grant Awards (SGA).

The Departments of Labor and Education propose to have the final grant package ready for publication by the second week of March. Grant awards will be announced by June 30, 1995. Eligible entities may apply for either a developmental or implementation grant. They must include tribal organizations responsible for economic development, employment and job training, and education and they must involve schools funded by the Bureau of Indian Affairs. The two Departments anticipate awarding approximately eight (8) development grants of $30,000 and up to five (5) implementation grants ranging from $50,000 to $100,000.

To streamline their administrative burden, the Department recently worked cooperatively with the Navajo Nation. This was in response to their request for relief from multiple administrative requirements resulting from the Navajo Nation operating various programs in three different States,—Arizona, New Mexico, and Utah. The Department's response to the Navajo Nation proposes a way to streamline the myriad of planning, reporting requirements and performance standards by consolidating the tribe's JTPA programs under a single administrative entity. This is being achieved through a cooperative arrangement with the States of Arizona, New Mexico, and Utah.

Finally, I would like to mention the President's proposed G.I. Bill for America's Workers. The Section 401 program is not part of this proposal because of the special needs of Indians and Native Americans living on reservations. However, we believe that the redesigned employment and training system will offer greater opportunities for all participants, including Indians and Native Americans not living on reservations, than in the present system. The proposed system will empower individuals to choose the training they need—at any eligible institution they choose; will provide job seekers high quality information on job opportunities, career options, and success records of training institutions so they can make sound, informed decisions; will provide greater flexibility to States and local communities to tailor information and services to their specific needs; and will ensure that all systems at the Federal, State and local levels are managed for high quality results. In addition, an array of current youth programs will be transformed to support the education and school-to-work reforms already underway in States and local communities—for both in-school and out-of-school at-risk young people. We hope to work with the Indian and Native American communities to ensure that these new initiatives will be closely coordinated with the Section 401 programs.

In conclusion, the Department has a serious commitment to reaching out to Indian and other Native American communities to provide assistance in enhancing the employment and training opportunities available to youth in those communities. I

have described some important steps we have taken to promote a new partnership. While much remains to be done, we believe a foundation has been established which will result in improving economic opportunities for many young Indians and Native Americans.

Mr. Chairman, this concludes my prepared statement. I will be happy to answer any questions you may have.

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PREPARED STATEMENT OF HERBERT BECKER, DIRECTOR, OFFICE OF TRIBAL JUSTICE

Mr. Chairman, Mr. Vice Chairman, thank you for the opportunity to testify on the challenges confronting American Indian youth. My name is Herbert Becker, and I am the Director of the Office of Tribal Justice at the Department of Justice.

The testimony from the February 9, 1995 hearing before this Committee on the Challenges Confronting American Indian Youth attests to the leadership, vitality, and courage among American Indian youth. Creative leadership among the tribes will be a key asset in any effort to address one of the most difficult problems facing Indian Country and Indian youth—the ever-increasing crime rates in Indian communities.

Tribal leaders are not alone in their efforts to respond to and prevent crime in Indian Country. By statute, the Department through the United States Attorneys' Offices is responsible for the prosecution of major crimes and crimes between Indians and non-Indians in most of Indian Country. The Department is committed to carrying out these responsibilities in a manner consistent with the government-to-government relationship between tribes and the federal government.

**Crime in Indian Country**

Crime extracts a tremendous price from the communities of this Nation. Indian communities have paid particularly high costs both in terms of broken lives and in dollars lost. Indian youth are particularly vulnerable to the effects of the violence. According to the FBI, 1,259 Indian Country violent crime and child sexual abuse investigations were conducted in 1993 and 1,406 were conducted in 1994. According to an Indian Health Service (IHS) report, homicide is the third leading cause of death of American Indians in the following age groupings: those between the ages of 1 to 14; 15 to 24; and 25 to 44. The homicide rate for Indians is 1.5 times higher than the rate for the general population and 2.6 times higher than the rate for the white population.

The Bureau of Indian Affairs (BIA) Division of Social Services reported nearly 32,000 child abuse reports in 1993; over 4,100 of which constituted sexual abuse allegations. In 1994, nearly 26,000 child abuse reports were reported; over 3,400 of which constituted sexual abuse allegations. Furthermore, the Division of Law Enforcement of BIA reports that the rate of sexual offenses, excluding prostitution and rape, in Indian Country is 228 occurrences per 100,000 inhabitants versus 41.0 occurrences per 100,000 inhabitants in rural counties in the United States. The rate of forcible rapes is 32.5 occurrences per 100,000 inhabitants in Indian Country versus 24.6 occurrence's per 100,000 in rural counties. Further, attempted rapes in Indian Country occur at a rate of 14.6 per 100,000 inhabitants versus 2.7 per 100,000 inhabitants in rural counties. These are alarming figures, which underscore the vital importance of combining our efforts to address and prevent crime in Indian Country. The Department hopes to work with tribal leaders, tribal police departments, and Indian youth to reduce and prevent crime in Indian communities.

**Criminal Investigation and Enforcement in Indian Country**

The United States Attorneys' Offices and the Criminal Division—in conjunction with the BIA, and the tribes—are working to address the unique problems of combating crime in Indian Country. The prosecution of violent crimes against victims in Indian Country is one of the Department's highest enforcement priorities, especially where the victims are children.

*A. Federal Prosecution of Crime in Indian Country*

We have taken several important steps aimed at improving the Department's responsiveness to crime and crime victims in Indian Country. United States Attorneys' Offices with significant Indian jurisdiction have focused on how to provide better service to the Native American population. The Department has encouraged United States Attorneys to appoint special assistants for Indian Affairs in order to develop better working relations with tribes and to provide a point of contact for crime victims and their families, tribal law enforcement officers, victim advocates, social workers, prosecutors, and other officials. Many such appointments have already been made, and we expect additional appointments in the near future. In rec



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ognition of the importance of this task, 26 additional Assistant United States Attorney positions have been provided to those Districts with significant amounts of Indian Country within their districts.

The problems involving the scope of federal, state, and tribal jurisdiction present a barrier to effective law enforcement in Indian Country. In order to address crime in Indian Country, the United States Attorneys consider it critical to leverage resources by developing working groups with both tribal and state governments. Some Offices have worked with federal, tribal, and state agencies to develop memoranda of understanding (MOU) to address problems caused by overlapping jurisdictions. For example, in 1994, the tribes and United States Attorneys Offices in Oklahoma worked with the FBI, BIA, the IHS, and the state to developed an MOU to guide the investigation, reporting, and prosecution of physical and sexual abuse of Indian children. Several additional United States Attorneys' Offices are exploring the possibility of MOUs with tribes.

We have encouraged each United States Attorney's Office to sponsor meetings with tribal officials to address crime victims issues, particularly child sexual abuse, and we have made resources available for this purpose.

Within the Department, we are redesigning our training programs to ensure that federal prosecutors understand the jurisdictional framework for Indian Country, the law, and their responsibilities to American Indian communities. The FBI is providing similar training for agents assigned to Indian Country or having significant responsibilities in Indian Country. Our goal is to ensure that our federal enforcement responsibilities are carried out sensitively, responsibly, and effectively.

1. *Child Sexual Abuse.* The prosecution of federal child sexual abuse statutes in Indian Country is an area of great concern within the Department. Since the enactment of the Indian Child Protection Act, the Crime Control Act, and the Indian Law Enforcement Reform Act in 1990, the Department has taken steps to enhance its responsiveness to Indian child victims and to utilize fully the tools provided by Congress.

On issues of child protection, the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division enhances, through its expertise and human resources, the efforts of United States Attorneys. CEOS is a litigation section staffed by attorneys with backgrounds and expertise in child protection issues and the prosecution of child exploitation cases. Since November 1994, CEOS has hired seven attorneys with extensive expertise in child sexual abuse and Indian Country issues.

The Department also is committed to close coordination with other federal agencies to ensure the efficient allocation of limited resources and to better leverage available resources. Two years ago, the Department convened a meeting of federal agencies to discuss how we might improve our response to child victims of crime in Indian Country and allocate our resources to enhance these efforts. As a result, we have established good working relationships with the other relevant agencies. We are confident that this will translate into a more unified and successful approach to addressing the problems of children who are victims of crime.

The Department has adopted and strongly endorses the multi-disciplinary approach to the handling of these sensitive and tragic cases. We are in the process of establishing, where appropriate, multi-disciplinary teams for reservations. A victim-witness coordinator has been established in each United States Attorneys' office, and is available to work with tribal victim assistance programs.

2. *Juvenile Offenders.* In recent years, there has been a dramatic increase in the numbers of Indian juvenile offenders referred for federal prosecution. There has also been a dramatic increase in the level of violence perpetrated by these young offenders. For example, as of February 15, 1995, the New Mexico U.S. Attorney's Office has pending matters on 33 juvenile Indian offenders, including 1 larceny, 11 serious assaults, 13 sexual abuse cases, and 8 murders. Based on recent trends, the Department expects to receive more and more of these types of referrals.

Much of the juvenile crime on Indian reservations appears to relate to or result from loose-knit gangs and alcohol abuse. We have also noticed a disturbing amount of witness intimidation in juvenile cases. When violence-prone youths band together, their boldness and defiance of authority increases. In many Indian communities, law abiding victims and witnesses have been openly threatened with retaliation by youth gangs if they cooperate with law enforcement authorities. This disturbing trend towards witness intimidation is hampering investigation and prosecution of violent crime.

**B.** *Federal Criminal Investigation in Indian Country*

The FBI and the BIA work together to investigate federal crime in much of Indian Country. To be effective in reducing crime in Indian Country, increased prosecutorial resources must be mirrored by an increase in law enforcement personnel. Dur-



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ing FY 1995 and FY 1996, the United States Attorneys hope to encourage the further development of tribal police and law enforcement programs and to encourage aggressive cross-designation of tribal police with BIA and other appropriate policing authorities. Furthermore, 27 additional FBI agents will be assigned to supplement the agents currently conducting investigations in Indian Country, bringing the total to 124 agents with investigatory responsibilities in Indian Country.

Because of the complex jurisdictional issues and the expanse of Indian Country, the FBI works with tribes to develop cooperative law enforcement efforts. These efforts include the initiation of Operation Safe Trails in cooperation with the Navajo Nation's Department of Law Enforcement. This program, which is designed to address major crime and sexual abuse in Indian Country, is staffed by a task force of FBI Special Agents and Navajo Nation Police Officers. FBI field offices in other areas are exploring the possibility of implementing Safe Trails programs. In addition, the FBI has developed pilot programs to train tribal police in FBI facilities. The FBI plans to expand its programs and training efforts to include regional training programs for tribal police officers.

**Building Tribal Capacity to Address Crime in Indian Country**

Although the Department enforces federal law in much of Indian Country and works with tribes to prevent crime, the solutions to the crime problem must come from within tribal communities. The Department is committed to enhancing the capacity of tribes to confront the problems of crime in their communities.

A. *Assistance for Tribal Police Departments, Tribal Courts, and Social Services*

1. *Tribal Law Enforcement.* The Community Oriented Policing Services (COPS) program was established under the Violent Crime Control and Law Enforcement Act of 1994. COPS is committed to helping Indian tribes control crime by helping them hire more police officers and expand their law enforcement capacity. In FY 1995, 128 tribes received over $9 million in funding from police hiring grants. Such direct grants to tribes are an important step toward building tribal law enforcement capacity.

2. *Tribal Courts.* Tribal courts are critical to effective law enforcement in Indian Country. Tribal courts generally have exclusive jurisdiction where both the offender and the victim are Indians, except where the offense is subject to federal jurisdiction under the Major Crimes Act. Even under the Major Crimes Act, tribal courts have concurrent jurisdiction. Furthermore, some Major Crimes Act cases may be prosecuted in tribal court, rather than federal court, due to lack of federal resources.

The Department's Office of Policy Development has initiated the Tribal Courts Project. The goal of the project is to assist tribes in developing and strengthening their systems of justice, so that tribal governments are able to establish, maintain, and enforce the laws that govern Indian lands.

Tribal court systems are particularly significant in the handling of cases where children are victims of crime, as well as where children are offenders. The tribal court system is the closest—culturally and physically—to the victims, offenders, and their families, and thus adjudication in these courts may have the most immediate and profound impact on crime rates in Indian Country. To reduce crime, it is critical to have an adjudicative, "value-enforcing" institution in the community that can deal with child abuse, child neglect, and criminal acts committed by youth. Strong tribal courts also are an essential component of tribal sovereignty and self-governance.

Adequate funding would be of particular assistance in the development of specialized family courts within tribal systems of justice. Such family courts would handle cases dealing with family violence, domestic relations, child support, child abuse and neglect, and juvenile delinquency, or some combination thereof depending on the particular wishes of the tribal government.

The Office of Policy Development's Tribal Courts Project—which coordinates its activities with the BIA—is undertaking a number of efforts related to the improvement of tribal family court and juvenile justice systems. The Project will soon initiate a Tribal Court-DOJ Partnership Program with certain tribal governments, which Will coordinate Department resources aimed at improving tribal systems of justice. The particular emphasis of the Partnership will be family violence and juvenile justice. The Department tentatively plans to focus resources on increased training opportunities for tribal court judges in these areas, and will support traditional tribal justice systems—such as the Navajo Nation Peacemaker Division—for the handling of juvenile justice issues.

3. Other Funding for Law Enforcement, Crime Prevention, and Victims of Crimes. The Department's Office of Justice Programs also makes funds available to address crime in Indian Country. The Bureau of Justice Assistance (BJA)—through the Ed-

ward Byrne Memorial State and Local Law Enforcement Assistance Program—provides formula grants to states to assist state and local criminal justice systems. Tribes are eligible to receive funding from the states under this program. In addition, BJA tentatively has planned to provide the following awards from discretionary funds: planning grants to three reservations for the establishment of a comprehensive plan to reduce crime, domestic violence, and drug/alcohol abuse; funding for the improvement of tribal court systems, including the possible establishment of a pilot program to increase the effectiveness of prosecutions of child sexual and physical abuse; and support for training and technical assistance for programs in Indian Country offered by the Office of Victims of Crimes and BIA Law Enforcement. In addition, BJA will work with the Boys and Girls Clubs of America to explore the feasibility of establishing sites in Indian Country.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) manages the Native American pass-through provision of the Juvenile Justice and Delinquency Act. In addition, OJJDP provides training, technical assistance, and grant funds to tribes and institutions for the prevention and treatment of juvenile delinquency.

Currently, OJJDP is engaged in, or planning, several initiatives in Indian Country. OJJDP is providing assistance to the Pueblo of Jemez, Navajo Nation, Gila River Indian Community, and the Red Lake Band of Chippewa Indians to develop community-based alternatives to secure detention and incarceration facilities.

In FY 1995, OJJDP plans to identify a site in Indian Country for one of five "Safe Futures" programs. Safe Futures will focus on implementing a comprehensive delinquency prevention and intervention program. This program will enhance public safety and provide a continuum of care for at-risk and delinquent youth.

OJJDP also plans to replicate the "Bethesda Day Treatment Center" model in Indian Country. This model provides day treatment to improve the academic and social skills of juveniles referred by the courts. The services offered by such a center include family therapy, individual and group counseling, academic support, job skills development, and substance abuse prevention and treatment.

The Office of Victims of Crime (OVC) works with federal, state, and tribal authorities to support programs to compensate and assist victims of crimes. In addition, OVC offers training for tribal, state, and federal law enforcement officers, prosecutors, and social service and mental health staff through the biennial Indian Nations Conference.

In 1994, OVC's Victim Assistance in Indian Country (VAIC) grants supported the efforts of 352 staff and 668 volunteers providing an array of critical victim assistance services to crime victims on reservations and in Native American communities. OVC VAIC subgrant awards have supported the development of more than 50 tribal victim assistance programs in 19 states. OVC has awarded approximately $5.4 million in funding cycles since 1989 to these states for these purposes. OVC also supports training and technical assistance to VAIC subgrantees through an independent contractor.

Since 1989, OVC has provided funding to 28 tribes through the Children's Justice Act to improve the investigation, prosecution, and handling of cases of child abuse, particularly child sexual abuse. OVC also supports its Native American Children's Justice Act grantees through training and technical assistance provided by the National Indian Justice Center.

**B.** *Addressing Domestic Violence*

No assessment of the effects of crime on Indian youth would be complete without stressing the tremendous impact that family violence has on the growth and spread of crime. A child that observes domestic violence grows up to accept violence as a normal part of life and is more likely to become an abuser or an abuse victim. As a society we must take the position that family violence will not be tolerated.

The Violence Against Women Act, established under the Violent Crime Control and Law Enforcement Act of 1994, authorizes and appropriates funds for a grants program to combat violent crime against women. These grants are designed to develop and strengthen effective law enforcement strategies to combat violent crimes against women and strengthen victim services in cases involving violence against women. The Act stipulates that 40 of the appropriated funds must be reserved for direct grants to tribal governments. The Office of Justice Programs anticipates awarding 15-20 grants to Indian tribes through this discretionary program in FY 1995.

**Conclusion**

In spite of the grim crime statistics in Indian Country, the Department is optimistic that the future will be brighter for the first Americans. I say this because we have had the opportunity to work with many tribal leaders. America's tribal leaders



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are talented, dynamic, creative, and committed people. Our optimism also rests on the knowledge that the federal government is developing a new partnership with the tribes—a partnership that will bring new thinking to bear on the problems of crime in Indian Country.

The Department looks forward to working with the tribes and the Senate Committee on Indian Affairs to build strong, safe tribal communities in which Indian youth can thrive.

This concludes my testimony. I will be happy to answer any questions the Committee may have.

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PREPARED STATEMENT OF THE AMERICAN ACADEMY OF PEDIATRICS

The American Academy of Pediatrics represents 49,000 pediatricians who are dedicated to promoting the health, safety and well-being of infants, children, adolescents and young adults. We appreciate the opportunity to comment on several of the most important issues facing Native American children and families in the United States today—issues that strongly affect their emotional and physical health. The American Academy of Pediatrics has had a long relationship with Native American groups and with the Indian Health Service, a relationship centered over concerns about Native American child health.

The Academy believes, as do most Americans, that education is one of the keys to a happy, successful life. The uneven quality of Native American education has long been a concern. In addition to a continuing interest in non-residential education for Indian children, the Academy has participated in site visits and reviews at Indian boarding schools on several occasions over the past two decades. Past abuses, such as the forcible attempts at eradication of Indian languages and cultures in the boarding schools and actual physical and sexual abuse, have largely, but not entirely, been eliminated. The movement toward therapeutic schools is a new and valuable concept, given the tendency of off-reservation boarding schools to attract children with severe problems. Adequate screening of these children at the time of admission and continued close follow-up may enable many to escape the problems that have led them to these schools, often as a last resort. The therapeutic schools and other schools for Native American children would do well, the Academy believes, to further the role of tribal culture as a means of helping Native American children to a greater sense of belonging—and improved self-esteem.

Improved self-esteem would go a long way toward reducing the intergenerational problem of alcohol and other substance abuse which is so destructive in many Native American communities. Substance abuse is related to many other problems, including fetal alcohol syndrome, violence in its many guises, and gang-related activity. Other approaches to alcohol and substance abuse education and prevention, as well as treatment, should be sought through the tribes, the Bureau of Indian Affairs, and the Indian Health Service.

Violence is a pervasive problem in some Native American communities, related to all the other problems in this list: lack of adequate education, lack of self-esteem, substance abuse, and deterioration in family values. A child suicide rate two to three times as high as the rate for all U.S. races, a homicide rate about 50 percent higher, and a rate of death from unintentional injury two to three times higher than the rate for all races attest to the severity of these problems in Native American communities. Some of the tribes and the Indian Health Service have begun some innovative programs to deal with these problems: the recent videotape, "Cross My Heart" on accident prevention put out by the Navajo Nation, and the on-going efforts of the IHS Injury Prevention Program are among them, as is the Healthy Start initiative of the Aberdeen Area tribes.

As noted before, the problems of substance abuse, violence, and poor educational attainment often occur in the same families. Preliminary evidence suggests that the likelihood of infant death is higher in the same families, which might be labeled "dysfunctional." The Academy supports efforts to break into what is often an intergenerational cycle of poor functioning. Home visiting programs have been shown to be effective in this regard.

In virtually all of our visits to Indian reservations, those concerned about children have mentioned problems with child abuse, though the problem is certainly not limited to reservations. The Academy supports improvement in case-finding and evaluation, and in treatment for victims and for perpetrators. It will continue to lend its expertise in these areas by teaching tribal personnel and medical care providers about the evaluation, treatment, and prevention of child abuse.

Teen pregnancy continues to be a concern for all groups of Americans, including our First Americans. The prevalence of early child-bearing and its association with

other adverse life-style choices is further evidence for a need for innovative approaches to prevention in Native American adolescent groups. The Academy applauds initiatives such as the school health programs in Tuba City, Arizona; Browning, Montana; and Laguna, New Mexico, and hopes to support them and disseminate information about their successes.

The choice of healthy lifestyles must begin well before adolescence, of course, and must continue long beyond the teen years. The Academy is concerned not only about clearly and quickly self-destructive behaviors such as substance abuse, early pregnancy, and engaging in violent behavior, but also about long-term damage caused by inappropriate diets, resulting in the eventual problems of nursing-bottle caries, obesity, and diabetes. Such innovative programs as the Wellness Program at Zuni Pueblo, New Mexico, need continuing support.

The tribes are rapidly assuming more and more control over their health care under the Self-Determination and Self-Governance statutes. There are no better groups than the tribes themselves to determine priorities in assuring the future health of their population through assuring the present and future health of their infants, children, and adolescents. They will look to the federal government for continuing financial support for their efforts, and will look at the best of BIA and IHS programs among models for their child health programs. The Academy supports their efforts to address the issues of family dysfunction, substance abuse, violence, and lack of educational attainment.

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PREPARED STATEMENT OF DOMINIC NESSI, DIRECTOR, OFFICE OF NATIVE AMERICAN PROGRAMS, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. Chairman and Members of this Committee, thank you for giving the Department of Housing and Urban Development the opportunity to testify before you today on the critically important subject of the challenges facing Native American youth and to discuss the concerns identified by those young people that testified during the hearing that you held on February 9, 1995.

Secretary Cisneros and Assistant Secretary for Public and Indian Housing Joseph Shuldiner send their sincerest regards and strong support for your efforts in this area.

The witnesses at the February hearing powerfully expressed the isolation and despair felt by many Native American young people. As you heard, these emotions all too often lead to educational failure, substance abuse, alcoholism, violence, and suicide.

As you may remember from the Secretary's appearance at a recent appropriation oversight hearing conducted by this committee, he mentioned that he would soon visit a number of reservations in Montana, including the Northern Cheyenne Reservation in Lame Deer, Montana. I had the good fortune to accompany him during that visit which took place two weekends ago. I would like to begin this testimony by recounting a tragic, but all too often common story about a 16 year-old Northern Cheyenne, boy who was found murdered on the Reservation on February 7.

The newspaper article recounting this story is almost a text-book case of the many social ills facing today's youth. A dysfunctional family, over-crowded housing conditions, juvenile delinquency, welfare, vandalism, teen-age substance abuse, violence and, finally, a murder and a suicide are all included in this one single article. The story in-between the lines, describes a loss of hope and direction, being replaced by despair and tragedy. I have copies of the article and I will submit them with any testimony.

These shocking deaths are all the more disturbing when you consider that this young man's grandmother moved him from Billings to the Northern Cheyenne Reservation in 1991 because she felt that the Reservation was a safer and healthier place to grow up. Ironically, the Northern Cheyenne are one of the first Indian reservations to open a Boys and Girls Club and to begin a Tribal initiative to combat these issues. Unfortunately, for this young man, the good people of Northern Cheyenne simply didn't have the money or resources to reach this young man.

His murder and his friend's suicide are symptoms of the social ills that this Department is fully committed to helping Tribes and Indian Housing Authorities address. We must place special importance on youth programs, both for the present and long-term health of Native Americans and Native communities.

The positive effect of this effort extends beyond the Native American community to the Nation as a whole. If we are ever to reverse the hundreds of years of Tribal dependency on the federal government and replace it with a productive and cooperative partnership relationship, we must reach these future leaders.

Of the programs that HUD administers in order to help Native American young people, I would like to highlight today the Public and Indian Housing Drug Elimination program, the Youth Sports program, our cultural contests for young people, the Department's involvement with the Boys and Girls Clubs of America, and one example of the volunteer work that HUD staff contribute on behalf of Native American youth.

**Drug Elimination Program**

Substance abuse is the most severe health and social problem in Indian Country today. Nothing is more costly to Native Americans than the consequences of substance abuse measured in physical, mental, social, and economic terms. Eighteen percent of all deaths among Native Americans are substance abuse related.

Statistics from the Indian Health Service (IHS) substance abuse treatment program show that Native American young people abuse both legal and illegal substances. These include inhalants (glue, paint, gasoline, nail polish remover, etc.), stimulants (amphetamines, caffeine, cocaine), marijuana, opiates (heroin, morphine, cough syrups), and non-religious uses of hallucinogens (PCP, LSD, mescaline, and peyote).

As you can see from this list, young people abuse a variety of substances that are affordable and available to them, not just the "street drugs" which receive most of the mass media attention. This means that the elimination of substance abuse has to become a community effort. Changing the social and economic environment in which illicit drug use thrives is essential for long term reduction in substance abuse. Furthermore, comprehensive, community-based prevention provides a supportive foundation for effective treatment and law enforcement.

HUD implements its Drug Elimination Program from this social and economic perspective. Indian Housing Authorities (IHAs) and residents have a great deal of flexibility within this program to address their specific drug-related problems. Eligible grant activities include:

- employing security personnel and investigators;
- reimbursing local law agencies for security;
- making physical improvements to enhance security;
- establishing of voluntary tenant patrols; and
- designing drug prevention programs, including education, family and other support services, youth services, and job training.

In FY 1994, 43 of the 60 IHAs that applied were funded for $7,737,894. Since 1989, the first year of the program, IHAs have received approximately $25 million dollars for these activities.

The Crow Nation in Montana has used HUD drug prevention funds to create a cultural presentation called "Our Way of Life." This show contains Crow songs, dances, and traditional flute music. The dancers, singers, and presenters in the show emphasize education, Crow language and culture, and anti-drug themes.

Participants in "Our Way of Life" range in age from five years to seventy years old. The wide variety of age groups in the show helps both participants and audience members defeat the feelings of isolation that lead to so many problems in Indian Country.

An important new initiative under the Drug Elimination Progam will confront directly the despair that too often leads young people to substance abuse and gang membership. This initiative is a HUD-sponsored training program called "The New Warriors: American Indian Youth Development and Leadership Today."

Training sessions for this program will be hosted this year by reservations in the six Office of Native American Program geographic areas. Young people will be the leaders/role models in these sessions, which will include anti-crime/anti-drug tactics that are culturally relevant to American Indian youth, leadership skills, negotiation skills, conflict resolution, self-esteem, traditional values, forming youth community groups, and volunteer opportunities.

Office of Native American Programs (ONAP), along with the Menominee Tribal Housing Authority and the Menominee Tribal Police Department, will be co-sponsoring a national Drug Elimination Crime Prevention Conference on May 6-11, 1995. The Conference theme "Building Positive Partnerships for a Brighter Tomorrow" embraces ONAP's vision of establishing positive networking opportunities and strengthening partnerships among IHAs and law enforcement officials. A contest to design a logo for the Conference is being conducted at the Menominee High School.

HUD also offers technical assistance grants on a non-competitive basis of up to $10,000 to Tribal communities who need additional planning assistance.



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**Youth Sports Program**

HUD's Youth Sports Program (YSP) is based on the conviction, shared by Indian people for thousands of years, that fitness and participation in sports are an extremely effective way to build identity and self-esteem.

The YSP funds sports, cultural, educational, recreational, and other activities designed to appeal to youth as alternatives to the drug environment in Indian housing projects. Acquisition, construction, or rehabilitation of community centers, parks or playgrounds are eligible activities under the program.

A number of Tribes have used YSP funds to organize youth camps through the "Wings of America" program. This youth development program of The Earth Circle Foundation, Inc. uses running as a catalyst to inspire Indian youth to effect change in themselves and their communities and to take pride in their cultural identity.

A total of 21 IHAs received Youth Sports grants in FY 1994, out of 71 applicants for a total of $2.6 million dollars. This is a substantial increase from the nine IHAs that received grants in FY 1993, but there is still much more demand than funding available for this program.

**Cultural Contests for Native American Youth**

An important way that HUD attempts to promote pride in Native American youth and to introduce them to the concepts of housing and economic development is through Department sponsored cultural activities. In 1993, we asked a young Native American teen from the Rosebud reservation, Lakota Clairmont, to design a poster which became the theme for HUD's efforts to enhance its relationship with the Native American community. We sponsored a contest in 1994 for Native American youth to submit drawings with their images of Indian housing. ONAP received entries from over 150 young people, and chose 13 drawings for inclusion in the 1995 American Indian Heritage Calendar. The young people whose drawings were included received a $100 savings bond.

HUD distributed the calendar to tribes and IHAs in November, 1994. The images it contains reflect the variety of Native American youths' housing ideals, and are an important reminder to us of the importance of a home to young people.

For 1995, ONAP is sponsoring an essay contest in which Native American youths will describe the dreams that they have for improving their people's living environments. Winning entries will be displayed at HUD Headquarters, published for nationwide distribution, and recognized at a ceremony in D.C.

**Boys and Girls Clubs**

In 1987, the Boys and Girls Clubs of America (BGCA) and HUD forged a partnership to create new Clubs within public housing. In 1992, BGCA and HUD initiated a similar effort in Indian Housing. Since that time, five clubs have been created and as many as 10 additional clubs are in the process of being formed.

BGCA programs include a prevention program addressing the related problems of drug use, alcohol use, and premature sexual activity, targeted outreach to "at risk" young people, career exploration and job search, and sports tournaments.

Many IHAs have used the Drug Elimination and Youth Sports Programs to initiate Boys and Girls Club activities and we continue to work with local communities to convert non-dwelling space or abandoned units into youth centers.

**Volunteer Activities by HUD staff**

I would like to conclude this testimony by discussing an activity which is very special to me and reflects the spirit and concern of many of my co-workers at HUD. Ten years ago, myself and my HUD staff in Denver created a special Weekend event for Native American teens to discuss the very issues we are speaking about today. The entire event is a cooperative effort between HUD volunteers and the Indian housing authorities from the Northern Plains area. The first year about 150 young people attended.

At the end of this month, we will hold our tenth annual event and we expect almost 850 young people, along with parents, chaperons and coaches to attend our educational sessions and basketball tournament. Senator Campbell attended our second event and we hope that he will be able to come again this year to help us celebrate our tenth anniversary.

Our goal was to demonstrate to the Native American community that we, at HUD, fully understand that there is more to building a home than simply putting up a structure.

Again, we appreciate the opportunity to appear before you today and I would be pleased to answer any questions you may have.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
*Washington, DC.*

OFFICE OF THE ASSISTANT SECRETARY,
FOR PUBLIC AND INDIAN HOUSING

Hon. DANIEL INOUYE,
*U.S. Senate,*
*Committee on Indian Affairs,*
*Washington, DC.*

Dear Senator Inouye: Thank you for your letter of March 10, 1995 regarding Boys and Girls Clubs on Indian reservations. Your letter Follows a March 7, 1995, Senate Committee on Indian Affairs hearing on the challenges facing Native American youth.

I testified at the March 7 hearing on behalf of the Department of Housing and Urban Development (HUD). During my testimony, I spoke about the positive impact that Boys and Girls Clubs are having in Indian country. I am pleased to provide the further information requested on this excellent and much-needed program.

**Question (1):** I understand that several Boys and Girls Clubs have opened on Indian reservations in the past few years—have they had a positive impact?

**Answer (1):** The Clubs currently operating in Indian country have had an extremely positive impact in their local communities. The educational and recreational opportunities that they offer give young people worthwhile alternatives to the boredom, lack of supervision, and scarcity of after-school activities on many reservations. These conditions too often lead to substance abuse, educational failure, and suicide. In fact, The Washington Post reported on March 3, 1992 that one out of five Native American girls and one out of eight Native American boys have attempted suicide.

Over the past three years, HUD has engaged in an active partnership with Boys and Girls Clubs of America to bring Clubs to Indian reservations as part of the effort to fight the grave social problems that afflict so many Native American young people. In 1992, the first independent Boys and Girls Club on Indian land opened in the Sac and Fox Nation, in Shawnee, OK. There are now eight Boys and Girls Clubs on Indian reservations.

The Boys and Girls Clubs on Indian reservations work closely with the national Club organization to design successful programs and activities. National-level programs include SMART Moves, which is designed to address the related problems of drug use, alcohol use, and premature sexual activity. Based on current, proven prevention techniques, the program uses a team approach involving Club staff, parents and community representatives. The Boys and Girls Clubs national organization also provides guidance for targeted outreach, in which delinquent and "at-risk" youth are identified and recruited into the Clubs.

The national Boys and Girls Clubs organization provides excellent curricula for it; local affiliates, but at the same time it strongly supports activities that highlight local culture and tradition. An important example of this concept in action is found in the programs of the SuAnne Big Crow Boys and Girls Club in Pine Ridge, NE.

The Club has met with great success in developing activities that promote the values of its namesake. Before she was killed in a car accident in February, 1992 at the age of 17, SuAnne Big Crow was an all-state basketball player, homecoming queen, and an honor student. She was proud of her Lakota heritage, and worked to make the Pine Ridge reservation a place free of alcohol, drug abuse, jealousy, and violence.

Beyond working to make Pine Ridge a better place, SuAnne fought hard to combat the prejudice and racism that is all too common off the reservation. The Club has continued her efforts by organizing cultural activities for off-reservation youth and by providing both Indian and non-Indian young people with opportunities to socialize.

The national network provided by the Clubs makes it possible for Native American youth to meet with other kids and Clubs off the reservation. This kind of interaction gives the young people growing up on isolated reservations a much-needed sense of their place in the world.

Recently, youths from the Lame Deer, MT reservation made a 350-mile journey to visit fellow non-Indian Club members in Greeley, CO. The Lame Deer Club members displayed a tepee and performed ceremonial dances, and came back from the trip with a new sense of pride and enthusiasm. The Greeley Club young people currently are planning a trip to Lame Deer.

Reaction to Club activities on Indian reservations has been uniformly positive. Club directors from the Delaware Tribe and the Sac and Fox Nation have told me that they see many improvements in their members' attitudes as a result of partici-

pation in Club-sponsored activities. The kids have become more respectful, more outgoing, and more geared to teamwork. The scholastic performance of many members also has improved significantly.

The local communities at large also are responding positively to the Clubs. The SuAnne Big Crow Boys and Girls Club acquired and remodeled a building and opened a youth center with 90 percent volunteer labor. Letters of support for Club activities have come from the Housing Authority, the Chief of Police, the principal of the local school, and members of the local community.

The remarkable success of the SuAnne Big Crow Boy and Girls Club is especially gratifying because the reservation is located in the poorest county in the United States, as identified by the 1980 and 1990 National Census. The fact that the Club has achieved its positive impact amid such extreme poverty bodes well for Clubs on other reservations.

Participation rates are excellent for Boys and Girls Clubs on Indian reservations. For example, of the 1,800 children of Club age on the Northern Cheyenne reservation, more than 700 have become Club members since the facility began operations in 1993. As a general rule, fully 30 percent of Club members in Indian country participate daily in Club activities.

**Question (2):** What are the costs involved in opening a Boys and Girls Club or other type of youth development organization on a reservation?

**Answer (2):** Start-up costs for a Boys and Girls Club range from $15,000-40,000. This covers, among other things, acquisition and/or rehabilitation of needed facilities. Often, Club space is donated by the Tribe. An average Club annual operating budget is $125,000. This budget varies with the size and scope of the Club, and it covers affiliation dues, insurance, salaries, equipment, and supplies.

It is important to note that not all of these budget needs would be filled with federal dollars. The Department can provide some money for Club use through funding sources such as the Youth Sports Program. In the long run, however, most Boys and Girls Club funding will come from private organizations and individuals. The SuAnne Big Crow Boys and Girls Club recently received a five-figure donation from a private individual. The W.H Kellogg Foundation also has provided grants to several Clubs.

**Question (3):** If there were more funding, such as that provided in the Youth Development Block Grant, how many Boys and Girls Clubs and other similar programs could you open in Indian country?

**Answer (3):** If funding were available, eight to fourteen Boys and Girls Clubs could be opened immediately on Indian reservations. Many more could be opened in the long run. There is a tremendous need for the Clubs in Indian country, given the almost complete lack of other private or public resources to provide positive leisure-time activities for young people in these isolated areas. Combined with this need is the excellent promotion work being undertaken by dedicated leaders at the national level of the Boys and Girls Clubs organization.

Thank you for your interest in the Department's programs.

Sincerely yours,

DOM NESSI, DIRECTOR,
*Office of Native American Programs.*

Billings Gazette

TUESDAY
February 21, 1995

109th year, No. 288

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## Teen

From Page One

cide they've pieced together from Danny's friends. Danny and three or four other friends were out drinking whiskey they bought or had somebody buy, probably from one of the saloons that border the dry reservation. They were drinking at the abandoned house, at an apartment in Muddy Cluster and at Danny's great-grandmother's house.

*At one point, the group got into an argument with a Lame Deer man and almost jumped him, but Danny stepped in and stopped it,* Tallwhiteman says. A knife may have been pulled at the argument, she says.

Danny's friends didn't say how he ended up on the dirt road, but Tallwhiteman says it's common knowledge around Busby that he had 85 stab wounds. She and her daughter went to where the body was found but saw no signs of blood, which makes them believe his body was dumped there after he was killed somewhere else.

A 14-year-old friend who was with Danny that night was questioned by law enforcement but was then released, Tallwhiteman says. Two days later, he shot himself. His suicide has added to the speculation about Danny's murder. "I wish I could find *out what really happened,*" *Tallwhiteman* says. "Danny didn't deserve to die. They should have just beat him up."

**BUSBY HOMICIDE**

# Family waits for answers in teenager's stabbing death

By GREG McCRACKEN
Of The Gazette Staff

Velma Tallwhiteman used to raise her grandchildren in Billings, but by 1991 the fear of urban crime and violence drove her back to Busby and the Northern Cheyenne Reservation.

"I thought Billings was a bad influence on them," she says. "I said, 'I'm going to take you back to the reservation where it's safer.'"

But on Feb. 7, 16-year-old Danny Lamewoman's body was found a half-mile from his grandmother Tallwhiteman's house. He had been stabbed many times.

"I want something done about this," she says. "I want them to pay. What they done to my grandson isn't right. He didn't deserve to die that way."

Law enforcement officials aren't commenting about the homicide of Daniel Lloyd Lamewoman. Bureau of Indian Affairs criminal investigator Winfield Russell said he couldn't because the investigation is ongoing. Federal Bureau of Investigation agent Dan Verthaler did not return a call for comment about the homicide or about crime on the reservation in general. Earlier, U.S. Attorney Sherry Matteucci said little information could be released because a juvenile was involved.

Tallwhiteman understands the need for official secrecy in crimes involving juveniles, but she's frustrated that BIA-FBI investigators are telling her little.

Danny returned to Busby in December after living with his other grandparents on the Wind River Reservation in Wyoming. He lived with Tallwhiteman and 13 other relatives in a house near U.S. Highway 212.

Lamewoman slain teen

Danny previously had gotten in trouble with the law for drinking, but as a freshman at Busby School, Danny's schoolwork was improving, Tallwhiteman says. She lectures all of her children and grandchildren about the evils of alcohol.

"I used to drink about 14 years ago," she says. "I tell them it's the worst mistake anybody could make. Anything can happen when you're drinking."

Danny liked to play basketball and football, but a broken collarbone he suffered in mid-January prevented him from playing sports.

On Feb. 4, Tallwhiteman took Danny to buy clothes in Billings with monthly aid money. Each of her grandchildren gets $82 a month for clothes from Aid to Families with Dependent Children. Danny's mother lives in Billings, but they didn't see her. She couldn't be reached for comment.

They returned to Busby around 7 p.m. and Danny soon left to spend Saturday evening with friends. With 15 people in the house, Tallwhiteman says, it's hard to know when her grandchildren leave, but she knows they're safe with friends on the reservation. Danny always came home.

On Sunday, Danny hadn't returned. Other grandchildren told her Danny left the house alone the night before. One of his friends thought maybe he went to Billings to look for his mother. Tallwhiteman left her home to telephone the BIA jail in Lame Deer and on Monday asked a school official to call Lame Deer and Crow Agency. Older grandchildren searched the abandoned house where teenagers drink but found nothing.

"On Tuesday, I was pretty sick," she says. "A neighbor came and told me they found a body on the coal mine road — a young body. I knew but I didn't want to believe it was my grandson."

The dirt road is almost directly across the highway from Tallwhiteman's house. Neela Walker, Tallwhiteman's daughter and Danny's aunt, says the road is a popular party site for teens.

Most of what Tallwhiteman and Walker know about the homi-

(More on Teen, Page 10A)



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**STATEMENT OF ADA E. DEER, ASSISTANT SECRETARY - INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, AT THE OVERSIGHT HEARING BEFORE THE COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, ON THE "CHALLENGES FACED BY INDIAN YOUTH, INCLUDING ALCOHOL AND SUBSTANCE ABUSE, VIOLENCE, EDUCATION AND FAMILY VALUES, ENVIRONMENT AND EMPLOYMENT OPPORTUNITIES".**

March 7, 1995

Good morning, Mr. Chairman and Members of the Committee. I am pleased to be here to speak to the many challenges facing American Indian and Alaska Native youth today. My staff who attended your hearing on February 9 were moved by the testimony provided by the eight young people. At the Bureau of Indian Affairs (BIA) we are doing our part to alleviate the pain and alienation faced by our youth, and we realize there is much, much more that all of us can do.

I have with me today Ms. Joann Sebastian Morris, Acting Director, Office of Tribal Services; Dr. James Martin, Office of Indian Edcuation Programs; and Mr. Theodore Quasula, Chief, Division of Law Enforcement. They will assist me in responding to any technical questions the Committee may have.

We have incorporated detailed information in this formal testimony, which we ask be entered into the record, to demonstrate the range of programs and activities that support American Indian and Alaska Native youth and families within several of our offices: Tribal Services, Education, Law Enforcement, and Alcohol and Substance Abuse.

As agents of the Federal Government, it is our duty and responsibility to do all we can to improve circumstances for Indian youth. The multiple challenges they face are the direct result of historical policies and practices of our Government. In my testimony I will cite examples of current programs and innovations geared to the challenges of American Indian and Alaska Native youth.

### Risk Factors

Too many Indian children grow up in families where risk factors are high, such as: poverty, rural isolation, cultural alienation, poor health, and low educational attainment of parents. They enter adulthood without the necessary skills or motivation to contribute to their communities. They will be poorly equipped to reap the benefits or meet the responsibilities of parenthood, citizenship and employment. The consequences of being raised amid multiple risk factors reach far beyond individual lives. The future of Indian communities as sovereign nations and their economic well-being depend as much on Indian youth who are ill educated, alienated, or poor, as on those who are healthy and otherwise more advantaged. For Indian Nations, the years to come will be less safe, less caring, and less culturally intact unless we act.

But our action must be thoughtful, broad-based, and sustained. The problems that currently plague some Indian children and threaten many more have evolved over time and will not disappear overnight. Solutions will depend on strong tribal leadership and the concerted efforts of every sector of Indian society -- individuals, extended families, communities, and government at every level. They will require creative Federal and tribal policies, wise investments of Federal and tribal resources, and the significant commitment of time and attention by tribal governments to the needs of Indian children and their families. It is critical that tribal governments, in partnership with Federal agencies, go forward to spark Indian communities to act upon the agenda our Indian children deserve.

### Where We Are

It is unfortunate that we continue to cite alarming statistics such as the

following. However, such data substantiate the need for greater involvement by local communities, tribal governments, the Federal Government, and other concerned parties.

In 1994, BIA Social Services received notice that State courts granted 46 adoptions of Indian children, terminated the rights of 50 Indian parents, and issued 155 notices of abuse and neglect affecting only off-reservation youth.

BIA Social Services received 31,901 child abuse complaints in 1993. In 1994, the number of complaints dropped to 25,919. This reduction is not necessarily due to a decrease in incidents, but is influenced by the decrease in the number of tribes reporting to the BIA.

Last year, BIA Law Enforcement investigated 442 crimes in which children were victims, including sexual contact, incest, sexual abuse, physical abuse, and felony sexual molestation.

In a nine month period ending July 1994, 35,914 Indians were incarcerated in tribal and BIA detention facilities: most were charged with alcohol related offenses and most were intoxicated at the time of their arrest.

In a 15 month period ending December 1994, 13,932 juveniles were placed in detention facilities, an average of 29 per day. Of the 67 detention facilities operated by the tribes or BIA, only 96 beds are available in juvenile-only facilities, and 241 in adult facilities.

The BIA criminal investigation unit has identified more than 180 gangs in Indian country, with activities ranging from showing colors and

painting graffiti, to theft, possession of firearms, sale of narcotics, and drive-by shootings.

Facilities and services for youthful offenders are almost non existent in Indian country.

Understaffed police departments are overwhelmed with complaints. In many localities law enforcement has been reduced to simply ensuring that all reports are properly investigated.

Last year, 526 drug cases were reported in Indian country. 578 persons were arrested and citations issued, and over 10,000 pounds of marijuana were seized, along with crack cocaine, heroin, and amphetamines.

80% of suicides and attempted suicides among Indian youth are alcohol or drug-related.

A considerable number of Indian children in special education are Fetal Alcohol Syndrome/Fetal Alcohol Effect (FAS/FAE) or affected by other Alcohol Related Birth Defects (ARBD). Six (6) times more Indian infants are born with FAS/FAE than the general population.

Youth nationwide are at risk due to declining family values, social alienation and economic disparity. Nevertheless, the above statistics indicate the range of challenges faced by contemporary Indian youth.

**What We Have Learned**

The Bureau of Indian Affairs is only one of the players who is and should be actively seeking solutions to the challenges facing Indian youth; equal partners

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include tribal leadership and the Congress. An orchestrated approach to meeting the needs of Indian communities requires a coordination of effort and resources.

We believe that tribal governments, communities and families can share the responsibility for addressing the challenges youth face. Economic development, social service, education, and law enforcement programs -- no matter who runs them -- will not be successful without community ownership. Local involvement coupled with a Federal commitment is the key to providing a future for our Indian youth.

At a time when the Federal Government is seeking ways to reduce its presence, the BIA must take every opportunity to partner with tribes and other federal entities to meet its obligations to tribal people, especially the youth. Some of the collaborative efforts of the BIA are listed below.

BIA Child Protection provides funding to BIA Law Enforcement to support six security officers, responsible for conducting background checks on prospective staff.

Representatives from BIA and IHS meet quarterly as the National Child Protection Team.

Memoranda of Agreement are in effect between BIA and IHS to work on child abuse issues and other health and social issues.

A Memorandum of Agreement is in the final draft stage between BIA Office of Alcohol and Substance Abuse and IHS to work jointly on prevention issues.

The Acting Director of the Office of Tribal Services (OTS) represents the Office of the Assistant Secretary on three inter-agency committees which meet quarterly: Inter-agency Task Force on Child Abuse and Neglect, Inter-agency Special Education and Disabilities Committee, and Inter-agency Council on the Mental Health of American Indian Youth. Other BIA staff also participate actively.

BIA Child Protection and IHS are jointly sponsoring a National Indian Family Preservation conference in April, 1995.

BIA Social Services is a co-sponsor with the Cherokee Nation of Oklahoma of the National Summit on the Indian Family in May, 1995.

BIA OTS assisted the Administration for Children and Families (ACF) by compiling inter-agency recommendations which respond to a DHHS Office of the Inspector General audit. Recommendations address how the ACF can improve its services to Native Americans and Tribes.

BIA Social Services coordinates inter-disciplinary child protection teams developed at each area office, many of which include United States Attorneys and representatives from State social services agencies.

BIA efforts have resulted in tribal access to FBI fingerprint services for background investigations of potential employees.

BIA Law Enforcement has formed partnerships with the Department of Justice, FBI, and U.S. Attorneys Office to enhance investigation and prosecution of crimes in Indian country.

BIA Law Enforcement has initiated regional training in conjunction with

the IHS, U.S. Attorneys Office, Office for Victims of Crime, and FBI to address child abuse, family violence investigation, and victim/witness protection and intervention.

**Promising Approaches**

We believe the Federal Government has a special responsibility to support tribal efforts to provide for the safety of their children and communities in general. As part of its mission, the BIA is doing as much as possible with scarce resources, including implementing the following approaches and innovations.

BIA divisions, such as Education, Law Enforcement, and Social Services have representatives who assist in coordinating child protection initiatives.

The BIA maintains a national toll free child abuse and neglect reporting hotline (1-800-633-5155), which has proven an effective reporting mechanism.

Ongoing training of tribal and BIA staff on child abuse intervention, awareness and reporting is provided by Social Services, Child Protection, Judicial Services, OIEP and Law Enforcement.

BIA Child Protection continues to observe National Child Abuse Prevention month each April. In 1995, the BIA Blue Ribbon Campaign to Prevent Child Abuse and Family Violence is being facilitated by the Jemez Pueblo Child Protection Team.

A final report of the Cherokee Nation Child Abuse Prevention Project, jointly funded by BIA and IHS, is due shortly.

We are in the third and final year of a joint project with IHS to train therapists to treat adolescent sexual offenders.

BIA Social Services coordinates the Indian Child Welfare Act (ICWA) program, which funds on- and off-reservation ICWA programs designed to stabilize and strengthen Indian families.

The Family and Child Education (FACE) Program provides families with parenting skills to nurture their children's development and readiness for school. The program also provides opportunities for parents to enhance their educational levels and promote cooperation between family support and social services agencies. While recognized internationally, resources exist to support the FACE program in only 23 BIA schools.

65 BIA funded schools participate in an Economic Development Initiative which promotes youth entrepreneurship, expanded career choices, and competition in a global economy.

One grant residential school is developing a therapeutic community school model which incorporates culture and tradition with an inter-disciplinary therapeutic approach. Youth in these residential schools are among the most at-risk in the nation, and deserve the opportunity to achieve academically while their mental health needs are being addressed.

Another innovative approach, the Sherman Indian High School Wellness Model, incorporates some aspects of the therapeutic approach but is primarily designed to promote healthy life choices. The curriculum will address domestic violence, anger abatement, problem solving, self esteem, alcohol and drug abuse prevention, and social skills.

The Effective Schools Model is an important part of the BIA's school improvement initiative which places an emphasis on developing quality, culturally relevant curricula, training teachers and staff, and involving parents and the local community in the administration of the school.

BIA has initiated Drug Free Schools and Communities prevention programs at all 185 BIA funded elementary and secondary schools. The Department of Education selected 5 BIA schools for the Drug Free Schools Recognition Program as exemplary, comprehensive drug free programs.

Guidelines have been developed for the reporting of child abuse incidents at BIA funded schools, and minimum standards of character for background investigations have been developed for BIA and tribal programs.

OIEP and OCM are working jointly to address health and safety issues at all BIA funded schools.

A community mobilization training and technical assistance model was developed by the Pine Ridge community in conjunction with the BIA Office of Alcohol and Substance Abuse Prevention, the result of which is a community-based approach to substance abuse prevention.

The Indian Police Academy sponsors Drug Abuse Resistance Education (DARE)) courses to help officers create local substance abuse prevention programs.

The Gang Resistance Education and Training (GREAT) courses at the Indian Police Academy help officers to develop local programs which

teach children how to recognize gangs and warn them of the possible consequences of joining gangs.

Due to their commitment to youth, many dedicated law enforcement officers implement prevention programs on their own, using personal resources. They have taken the lead in developing community sports activities, outdoor recreation, and other mentoring programs for youth.

More community-based solutions are needed, like the Cheyenne River Sioux Tribe's Walter Miner Law Enforcement Center, which incorporates Indian healing concepts, culture, education and social detoxification with detention, in an effort to integrate young detainees back into the community. Exemplary of the Planning of New Institutions (PONI) process, this facility reflects the involvement of the community in its planning, design, and operation. 58 tribes have applied for detention facilities under the PONI program.

More tribes and law enforcement officers are receiving training in community policing, a philosophy that unites communities and law enforcement.

Tribal judges have developed alternatives to incarceration simply due to a lack of facilities designed to deal with juvenile offenders.

**Closing Statement**

To meet the true needs or American Indian and Alaska Native youth, much greater emphasis must be placed on overall and comprehensive community development. An Indian trainer from my State of Wisconsin says that you can take a young tree from a diseased forest and nurture it back to health, but

when you put it back in its community, the forest, it will again become diseased. In like manner, we cannot focus solely on the needs of Indian youth without also addressing the needs of our communities as a whole.

I would like to emphasize that the Department and the BIA are interested in working with this Committee and other agencies to address the challenges faced by Indian youth. The Office of Tribal Services, Education, Law Enforcement, and Alcohol and Substance Abuse will continue to find partners with whom we can collaborate to share human and fiscal resources to achieve that goal.

This concludes my prepared statement. I and my staff will be pleased to answer questions the Committee may have.

**OPENING STATEMENT**
**MICHAEL H. TRUJILLO, M.D., M.P.H.**
**ASSISTANT SURGEON GENERAL**
**DIRECTOR, INDIAN HEALTH SERVICE**

Mr. Chairman and Members of the Committee:

I am Dr. Michael H. Trujillo from the Laguna Pueblo, New Mexico. I am the Director of the Indian Health Service (IHS). Accompanying me today are: Dr. Craig Vanderwagen, Director, Division of Clinical and Preventive Services; Dr. Scott Nelson, Chief, Mental Health Programs Branch; Dr. Johanna Clevenger, Chief, Alcoholism Substance Abuse Program Branch. I appreciate the opportunity to share with you our activities and efforts in addressing the many health issues confronting Indian youth across the nation.

Today's American Indian and Alaska Native (AI/AN) youth are the key to the future of Indian communities. Yet our Indian youth are often at high risk for health problems which need continuous focus and attention. Consequently, the IHS places high priority on services for Indian children and adolescents, who make up about 40 percent of the population in Indian country.

General health issues for Indian youth are addressed both through our system of IHS and Tribal hospitals and reservation and urban clinics, and through prevention programs, such as health education activities and teen centers.



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Behavioral health issues comprise the most intense area of conflict facing AI/AN teenagers, adolescents and young adults. Behavioral issues were highlighted in the testimony of Indian youth and youth groups in testimony before your committee on February 9. A University of Minnesota study on Indian adolescents conducted in 1988 found high rates of health-compromising behaviors and risk factors related to unintentional injury, substance abuse, poor self-assessed health status, emotional status and suicide. The study on Indian adolescent mental health conducted by the Office of Technology Assessment of the Congress in 1990 also outlined the many behavioral problems of Indian adolescents and expressed concern about the limited resources available in IHS to address them. Accidents, suicide and homicide are the 3 leading causes of death in the 15-24 age group; for suicide, the death rate is almost 3 times higher than the national average for that age group. Alcoholism, drug abuse, depression, suicide attempts, school drop-outs, antisocial behavior (including gang membership), Fetal Alcohol Syndrome (FAS), teen pregnancy, and sexually transmitted disease are major issues for Indian adolescents and their families.

Why are these behavioral problems so prevalent and serious in Indian country? We believe that there are several contributing factors, including continued oppression and discrimination, the loss of culture and language in Indian communities, the dysfunction of many Indian families with parental role models of alcoholism and family violence, and the conflict that many Indian youth feel about their identities.

Services to Indian children and adolescents are among my highest priorities and IHS has actively been addressing the behavioral issues and health problems of AI/AN youth. Examples of those services are:

1) Suicide/Family Violence Prevention Programs

- a team of mental health professionals available to provide technical assistance and education to tribes and IHS service units confronting concerns about youth suicide. The team helps communities to organize and respond to, provides important information about suicide prevention, and conducts follow-up on community actions.

- a computerized suicide register program to assist tribes and service units track follow-up activities with youth who are at risk.

- a tribal demonstration adolescent suicide prevention project, which has been evaluated by IHS as highly successful.

- consultation and technical assistance on prevention of other forms of family violence including domestic violence, homicide, and child abuse.

- a plan on Suicide Prevention and Intervention Services requested by the Congress is currently under development.

a suicide intervention evaluation project to evaluate the efficiency of suicide prevention and intervention programs are in White Mountain, Arizona, White Earth, Minnesota, and Jicarilla, New Mexico tribal communities. The project is funded through a grant to the IHS from the Centers for Disease Control (CDC).

- an exemplary child mental health initiative administered by the Navajo Nation, which applied for and received a $17 million 5-year grant from the Center for Mental Health Services (CMHS) of the Substance Abuse and Mental Health Services Administration (SAMHSA). The grant will focus on three Navajo service units and will include traditional healing as a major treatment modality.

2) Alcoholism and Substance Abuse Prevention and Treatment

Alcoholism and substance abuse impedes the course of adolescent maturation and must be treated first before other issues can be properly addressed.

Much to the credit of Indian tribes and villages, they have provided the initial impetus that led to Federal involvement in funding and are currently continuing their involvement in all phases of eliminating the disease of alcoholism and its effects of all age groups. In the spirit of self-determination, most tribes prefer to

manage their own alcoholism programs. In accordance with the government-to-government relationship that the Federal Government enjoys with Indian tribes, Congress has been supportive of the need for such services within AI/AN communities. The majority of approximately 360 programs throughout the twelve (12) IHS Areas are located within the tribal community or reservation boundaries. Programs, however, are also set up in urban area to accommodate Indians residing in urban communities.

Some 800 AI/AN adolescents and young adults age 12 up to age 24 are annually receiving intensive inpatient treatment, including family therapeutic involvement, at 10 regional treatment centers for youth in 8 IHS Areas. These centers offer intensive alcoholism treatment in a culturally relevant manner but also address additional psychiatric and education diagnosis needed for effective long-term success. The IHS is currently in the process of analyzing the effectiveness of these treatment centers since their inception in 1987. The evaluation process will provide the Alcoholism and Substance Abuse Program Branch (ASAPB) with valuable information for future program design and aftercare.

- In the Bemidji Area, at the direction of the tribes, there are seven group homes that offer similar rehabilitation.



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- Tribes in the Billings Area chose to purchase residential treatment from local private centers to complement tribal outpatient and residential aftercare programs.

- The Aberdeen Area continues with progress with developing a treatment center on the Standing Rock Reservation and continue to utilize local private centers.

As a continuum of care for high-risk youth, alcohol treatment, including aftercare and outpatient treatment of the individual and his or her family are a high priority.

Indian youth can be high-risk for suicide and may be seen for the first time by alcoholism counselors who must be extremely sensitive to correctly identify those at risk. The ASAPB is developing an intake protocol specific for AI/AN youth.

The focus of the IHS activity in addressing the life-long disabilities of children born with Fetal Alcohol Syndrome (FAS) or Fetal Alcohol Effect (FAE) has been on primary prevention. The IHS effort has been for community and provider training on the topic, the development and distributing of patient education materials and training of providers for the diagnosis of FAS and FAE. Within the past 2 years training has been expanded to include behavioral interventions

appropriate for families and educators working with fetal alcohol-effected youth. This training effort will be further expanded to include specific training for medical and behavioral health care providers on assessment, intervention, treatment, and case management.

In addition, most communities have a school-based alcohol and substance abuse prevention program, delivered as part of the curriculum and/or supplemented by community or school alcohol and drug abuse specialized counselors to work with at-risk youth. Many communities also have community-based prevention projects targeting youth to enhance self-esteem, coping and communication skills, and provide alternative activities.

3) Mental Health/Social/Child Abuse Services

- While there is a need for us to allocate additional staffing, mental health and social services are offered in all tribal programs and service units. Many behavioral issues of Indian youth appear related to low self-esteem from the effects of violence, abuse, and alcoholism in the family and community.

- Increasing numbers of Indian youth are being identified as perpetrators of child abuse. In fiscal year (FY) 1993, the IHS initiated a program to train

mental health providers to treat these youthful offenders so that the intergenerational cycles of abuse will be broken.

- Formal child abuse treatment programs have been funded in four Indian communities: Hopi, Navajo, Bay Mills, and Washoe. Several of these programs are providing excellent service, utilizing traditional as well as western methods of healing. A tribal child abuse prevention demonstration program also has been supported at Fort Peck, Montana, by the IHS. Additional funding of $250,000 has been requested in the President's FY 1996 budget for victim treatment.

- Teen pregnancy prevention activities are provided through the hospitals and clinics, but also through local community and school based teen health centers in a number of AI/AN communities. These programs are also linked to the comprehensive school health education effort authorized by the IHCIA and supported under an Inter-Agency Agreement with the CDC and involving the BIA.

4) Accidents

- By far the highest mortality of AI/AN youth occurs from injuries, largely from automobile accidents which occur as a result of risk-taking behavior,

often associated with alcohol use and depression. The IHS has placed major emphasis on accident prevention education in schools and communities and on early emergency response to accidents. The IHS also created an Injury Prevention Fellowship Program for field personnel, which has graduated almost 100 participants.

**Interagency Cooperative Efforts**

Since becoming Director of the IHS in the past year, I have strongly supported IHS efforts to work with other agencies to strengthen our programs and increase our resources to serve and assist AI/AN youth. These efforts include relationships with:

- The Bureau of Indian Affairs (BIA) coordinates with the IHS to address child abuse, alcoholism, social services, mental health issues, handicapped children and adolescents, and problems in BIA boarding schools and detention centers. The IHS also funds social detox/assessment and referral services at BIA funded Juvenile Detention Centers including current locations at Fort Peck and Cheyenne River. In addition, the IHS also funds transitional startup projects at Chinle, Tuba City, and Pine Ridge where juvenile detention centers are scheduled to open within the next few years.



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- The Center for Mental Health Services of the SAMHSA to develop an Indian child mental health initiative;

- The Center for Substance Abuse Prevention (CSAP) of the SAMHSA has funded AI/AN grantees in the following areas: (1) over 13 Community partnership programs; (2) over 30 Hi-Risk Youth Demonstration programs; (3) one Female Adolescent Treatment Program. The CSAP has also sponsored the development of community mobilization training for AI/AN entitled Gathering of Native Americans. After an eight site pilot of this training program, the IHS and the CSAP are currently sponsoring continuation of this training in selected IHS Areas.

- The Center for Substance Abuse Treatment (CSAT) of the SAMHSA in its collaborative efforts with the IHS have resulted in numerous alcohol and substance abuse grants to tribes and AI/NA organizations. The CSAT currently funds six rural, remote and culturally distinct demonstration projects which include a primary AI/AN focus, and six pregnant post partum women and infant treatment programs.

- The IHS also helped fund the recently completed Institute of Medicine Study on youth tobacco use initiation. This study resulted in the 1994

publication Growing Up Tobacco Free: Preventing Nicotine Addiction in Children and Youth.

- The National Center for Child Abuse and Neglect (NCCAN) to train IHS and tribal providers to treat victims of child abuse;

- The CDC for the successful evaluation of suicide prevention approaches in three tribal locations which are White Mountain, Arizona, White Earth, Minnesota, and Jicarilla, New Mexico;

- The Department of Justice, Office of Juvenile Justice and Delinquency Prevention, to provide technical assistance and training for tribal community-based alternative programs for adjudicated Indian delinquents;

- The Headstart program in the Administration for Children, Youth, and Families to provide technical assistance and training to Indian Headstart programs;

- The National Center for American Indian and Alaskan Native Mental Health Research, University of Colorado School of Medicine, to encourage and facilitate research on mental health and substance abuse issues in Indian youth;

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5) **Aberdeen Area Healthy Start**

- The Northern Plains Health Start program is one of the 15 grantees funded in 1991 by the Maternal and Child Health Division, Health Resources and Services Administration. The 19 tribal leaders in the Aberdeen Area have made a commitment to help their people reestablish strong, healthy families and reduce the infant mortality rate below the then current 18.4/1000 live births rate. A community-based family advocacy approach involving a one-on-one method of reaching the people seems to be effective. The advocates are trained members of a local team that include health care, social service and traditional medicine providers. The comprehensive services include preventive and primary health services for pregnant women and infant and childhood immunizations. It is anticipated the local team will foster a "mentoring" environment for the Healthy Start family advocate, which will result in more effective prenatal, infant and childhood care.

**Tribal Relationships**

As part of our health care mission and our commitment to encourage tribes to operate their own health and behavioral health services, we have worked closely with tribes in our efforts to assist Indian youth. Tribes are in the best position

not only to provide needed services, but also to address and prevent family violence, substance abuse and suicide. Traditional strengths of Indian communities are often rekindled in these efforts, including return to cultural pride and language, traditional family networks, and tribal values. Our role in the IHS has been to provide information about the serious effects of child abuse, family violence, substance abuse and depression suicide on Indian youth and their families and to encourage the use of tribal strengths in preventing these problems from occurring. We are also pleased that Indian youth themselves have organized into groups such as Unity and Running Strong for American Indian Youth which are promoting approaches and strategies for healthier lives.

This concludes my testimony, Mr. Chairman, I will be happy to answer any questions that you may have. Thank you.

**BLOCK GRANTS TO STATES: IMPLICATIONS FOR INDIAN TRIBES**
**Prepared at the Request of Senator Daniel K. Inouye**
**Submitted by the Bureau of Indian Affairs**
**March 13, 1995**

Block grants are a mechanism to fold funds from a variety of Federal programs into one grant award, generally distributed only to states. Once a categorical program is folded into a block grant, it ceases to exist as a separate program. The authorizing legislation actually repeals the original legislation initiating the categorical program. For example, H.R. 739, the Common Sense Welfare Reform Act of 1995, introduced January 31, eliminates or amends 7 cash aid programs, 3 medical aid programs, 9 food aid programs, 11 housing aid programs, 2 energy aid programs, 6 education aid programs, 6 jobs and training aid programs, 8 social service programs and 3 community aid programs, folding them into capped state block grants. (See Appendices A & B for lists of welfare programs currently slated for elimination or amendment in two welfare reform bills.)

Summary of Concerns

- Capped block grants distributed only to states infringe on the legal government-to-government relationship of Indian tribes with the Federal government.
- State-only block grants are inconsistent with the official Indian Policy statements of four Presidents: Nixon, Reagan, Bush and Clinton.
- Hard-won legislative set-asides to tribes would be lost and turned over to states.
- The few tribal programs operating under sub-grants from states experience lack of parity funding and disregard for the cultural design of tribal programs.
- State block grants can impose a requirement to provide matching funds, which causes a hardship on tribal sub-contractors.
- States have historically not responded to tribal needs.
- States rarely consult or plan voluntarily with tribes and urban Indian populations.
- States are unfamiliar with tribal community needs and reservation delivery systems.
- Tribes are the most knowledgeable and efficient in developing and administering services to their citizens.
- States lack the knowledge of and ability to confirm who is an Indian.
- Already scarce resources limit small tribes (450 of the 550 federally recognized tribes) from operating the full range of family services.
- More stringent state eligibility requirements will ensure decreased access by American Indians.
- Limited access to state block grants will strain historically underfunded Bureau of Indian Affairs (BIA) programs.

Recommendations

The BIA supports tribal proposals that tribes should be funded directly in block grants in an

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amount equal to no less than 3% of the total amount appropriated in a specific piece of block grant legislation. (See Appendix C for the full text of a proposed amendment.)

Another alternative to capped state block grants that is supported by the BIA is to amend block grant legislation to recognize the BIA as the 51st state, with the Secretary of the Interior designated as the allottee. The funding formula to distribute funds directly to tribes would be calculated in consultation with tribes.

The BIA also agrees with the proposal by tribes that any state within whose boundaries an Indian tribe is located shall consult with the Indian tribes in the development of state plans.

Background Information: Mistakes of the 1981 Block Grants

In 1981, several federal block grants were created from existing federal statutes. Unfortunately, little attention was given to funding for tribes in those block grants. President Reagan, recognizing the disservice done to tribes under the 1981 block grants, proposed in his January 24, 1983 Indian Policy statement, that the laws be amended to provide for direct funding for tribes via separate tribal block grants.

Subsequently, a February 1984 study commissioned by the Department of Health and Human Services, *Block Grants and the State-Tribal Relationship*, documented the inequitable treatment given to tribes in the development of several federal block grants created in 1981. The report stated:

> Congress failed to perceive two things: first, in many cases direct funding to tribes would be nominal, and second that states would be placed in the awkward position of being expected to respond to tribal needs through tribal governments, which do not comprise part of the usual state constituency and states cannot require or enforce accountability. (p.38)

In addition, the report stated:

> While it seems clear that Indians as state citizens are constitutionally entitled to a fair share of state services, this general principle does not address the issue of the delivery system; that is, the degree to which services on the reservation should be delivered by tribal rather than state and municipal governments. This vacuum in federal law and policy is the source of unnecessary complications in the state-tribal relationship when, as here, federal legislation adjusts the delivery system for federally funded services without clearly addressing its impact on the delivery system relationships at the reservation level. (p. 38)

One of the 1981 block grants, the Title XX Social Services Block Grant, provided no funding for tribes, and other block grants were available to tribes only if a tribe had received funding

the previous year from one of the categorical programs included in the block grant. This excluded all but about 20 tribes.

Tribes are Efficient Service Providers

Tribes and tribal organizations, as primary providers of services for their members, are in the best position to develop and administer services in their communities.

State and county governments believe that they are in the best position to understand the social problems of their constituencies and to develop and implement appropriate solutions to these problems. Tribal governments are no different in that they believe they have unique knowledge and qualifications critical to providing effective services to their communities, both in a cultural and political sense. Furthermore, political leaders and program administrators throughout the United States recognize the importance of providing community-based services to people. Community-based services provide the most effective means, in terms of costs and service outcome, of delivering social services.

Tribes, while having much less federal funding than states, have still been able to develop structures to effectively manage funds and administer a broad range of programs. These include welfare assistance, child care, child welfare, health, education, law enforcement, courts, and job training. These programs rely on trained professionals employed by tribes, most of whom are residents of the community and possess a critical knowledge of community standards. This experience and knowledge of tribal programs is unmatched by any other public or private entity. The programs that tribes offer incorporate locally developed strategies that are typically not utilized by non-tribal service providers. The result is services which best -- and most efficiently -- meet the needs of the individual and tribal community.

A 1988 study commissioned by the Departments of Health and Human Services and Interior, *Indian Child Welfare: A Status Report*, concluded that tribal child welfare programs were, in many ways, outperforming state systems. These community-based services were found to be more effective than state services despite unstable and inadequate competitive grant funding.

Concerns with State Administration of Block Grants

Since the implementation of the 1981 state block grant program, tribes have expressed their difficulties operating tribal programs under sub-grants from the states.

The tribes have experienced a lack of parity funding for their programs because they must compete in a highly political and competitive environment. They have specifically cited such problems as disregard for or lack of sensitivity to the cultural or spiritual design of Indian programs. Since there are so few American Indian state legislators, they have few, if any, political advocates for their programs, funding and program uniqueness. The State of New

Mexico is one of the few states where a special American Indian Subcommittee has oversight over state Indian programs. This subcommittee has protected and advocated for the exceptional needs of Indian programs. Such advocacy is not the norm.

Tribes advise that state governments often take a large share of administrative costs from the block grants before actual programs are funded. Thus, for Indian programs, it is possible that there would be two levels of administrative costs: by the State government/agency and the tribal government. This is not cost effective nor does it deliver much-needed funds to the community itself.

When block grants are made directly to tribes, eligibility for the programs is based on identification as American Indians, and less on stringent eligibility requirements such as income or domicile issues. Often, residency and domicile issues are used to disqualify Indians for state services. Also state governments often confuse who is a state or federally recognized Indian and who is eligible for services as an Indian. Tribes also express concerns about the state's practice of using census population figures, which are not truly representative of tribal populations.

While tribes have succeeded in fulfilling federal contract and grants with fewer reporting requirements, states continue to impose extensive reporting requirements on their sub-grants or contracts to tribes. Another problem experienced by states, and transferred to tribes under state block grants, is the Federal requirement to provide matching funds or use the small funds as "leverage" to receive funds. In such cases, tribes without 638 contracts are at a disadvantage trying to locate matching resources in order to qualify for program funding.

To administer certain income support programs, like AFDC; child support enforcement programs; and other human resource programs, like housing programs, state governments lack knowledge of tribal, federal and state jurisdictional issues, or enforcement processes, or debt management and its collection.

Block Grants Directly to Tribes

The Bureau of Indian Affairs supports tribal proposals that tribes should be funded directly in block grants in an amount equal to no less than 3% of the total amount appropriated in a specific piece of block grant legislation.

A tribal allocation of block grant funds is consistent with the official Indian Policy statements of Presidents Nixon, Reagan, Bush, and Clinton which pledged a continued government - to - government relationship with tribes.

The provision of direct funding to tribal governments is consistent with many current federal statutes, including the 3% allocation to tribes under the Child Care and Development Block Grant and the 3.3% allocation to tribes under the Job Training Partnership Act. Many federal

programs include statutory funding allocations for tribes and tribal organizations; and it is commonplace for new legislation to include specific funding provisions for existing and newly recognized tribes. Examples of programs that have tribal funding provisions include the following:

Child Care and Development Block Grant
Title IV-B Family Preservation and Support Services
Title IV-B Child Welfare Services
Family Violence and Prevention Services
JOBS (Job Opportunities and Basic Skills Training)
Job Training Partnership Act
Head Start
Vocational Rehabilitation Act
Vocational Education Act
Library Services and Construction Act
Clean Water Act
Safe Water Drinking Act
Even Start Program
Drug Free Schools Act
Low Income Home Energy Assistance Program
Title I, Housing and Community Development Act
The Department of Housing & Urban Development Act
Title II, The Older Americans Act

If incorporated into block grants, these and other hard-won Indian set-asides would go directly to states and would be lost to tribal communities. In addition, other programs provide for tribal eligibility when applying for discretionary funds:

At-Risk Child Care
Child Abuse Demonstration and Research Grants
Community-Based Family Resource Program
Grants to Improvements Investigation and Prosecution of Child Abuse Cases
Family Unification Program
Community Development Block Grant

State/Tribal Cooperation

The BIA agrees with the proposal by tribes that any state within whose boundaries an Indian tribe is located shall consult with said Indian tribes in the development of state plans.

As a practical matter, tribes and states should cooperate in planning services so that unnecessary duplication of services is avoided and services that only states offer include components that will maximize their effectiveness with Indian people. Tribes often have valuable insights into the

most effective and efficient means of serving both urban and reservation-based Indian populations.

There is considerable movement within the Indian population between reservation and urban areas, particularly for reasons of education and employment. There are also large, permanent Indian populations in urban areas. For these reasons, Indian people will need to access state services from time to time. Furthermore, some tribes, especially smaller ones, which comprise the majority of federally recognized tribes, will not be able to operate the full range of welfare-related services that states can offer.

In some areas tribes and states have previously entered into cooperative agreements, such as on child protection, child support enforcement, and social services. Where such mutually agreed upon arrangements are in force, it is important that any proposed block grant legislation not interfere with nor impede such agreements.

Examples of Financial and Other Impacts of State-Only Block Grants

Capped block grants to states will have immediate and long term negative impacts on American Indian/Alaska Native tribes and villages. Communities that have historically suffered under minimal resource allocations will face even more restrictive financing and, thereby, service delivery. The following scenarios provide examples of negative impacts of state block grants on tribes and BIA programming.

USDA School Lunch Program

For a number of years, Bureau funded schools have depended on the U. S. Department of Agriculture's (USDA) school lunch program to provide food for all students in all grades, including those attending boarding schools and peripheral dormitories. Due to low income levels, virtually all 46,000 Indian students attending Bureau funded schools qualify for the reduced cost meals. In FY 1994, the Bureau collected $6.9 million from the USDA for the food service program at Bureau operated schools. Schools operated by Tribes collected approximately $5.2 million from the USDA. In total, approximately $12.1 million was collected from Bureau funded schools for purposes of providing school lunch programs for Indian children.

Impact:

Currently, all 185 Bureau funded schools, which are usually located either on Indian reservations or very remote areas, use Indian School Equalization Program (ISEP) funds as their basic school operations support. Since the ISEP formula was not designed to cover the direct costs of food programs, almost all of the schools began applying to the USDA school lunch program during the 1980's as a means to supplement their basic ISEP funding levels. Should approximately $12.1 million not be available to the Bureau funded schools from the USDA lunch program, the schools would be forced to consider the following actions.





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1. Schools would have to look to their basic ISEP funds to absorb the costs. The ISEP fund at each school must already pay for salaries of teachers and counselors at a rate statutorily mandated by the Congress. At many schools, salaries alone account for up to 92% of the ISEP budget. Each principal must use the remaining 8% for teaching supplies, materials and other instruction-related costs. The schools would have to reduce the number of teachers/counselors or other staff in order to absorb the total costs of food service programs. Course offerings would also be reduced. Eventually, the accreditation status of the school would be affected.

2. The Bureau funded schools would have to continue to provide a food service program for students in day and boarding schools. In many cases, the breakfast and lunch provided by the schools are the only nutritious meals the Indian student will receive for the whole day. Without the USDA program, many of the 46,000 Indian students would go hungry.

3. Since many of the Bureau funded schools are small and in isolated areas, the loss of the USDA school lunch program funds would have a serious impact on the school's budget and the impact would be felt throughout many small Indian communities. In most cases, the school is the hub of the tribal community and any such negative financial impact at the school is carried over into the homes and families of such small communities.

4. Currently, the Bureau is projecting an ISEP Weighted Student Unit (WSU) value of $2,954 per student for the 1995-96 school year. Should the Bureau funded schools be required to absorb the $12 million reduction in the USDA program, the ISEP per student WSU value would be reduced to $2,809.

U.S. Dept. of Education Drug Free Schools & Communities Program

For a number of years, Bureau funded schools have been eligible to participate in the Drug Free Schools & Communities Program. This program and corresponding funds allows Bureau funded schools to provide alcohol and substance abuse prevention programs, training for school staff, parental and community involvement and coordination of community services. Today, all 185 Bureau funded schools have such programs in operation serving 46,000 Indian students. Five of the Bureau funded schools have received national recognition for outstanding programs. The Bureau receives $5.4 million per year from the Department of Education for the program.

Impact:

Since the ISEP formula was not designed to provide funds for such preventive health programs, all schools have had to seek supplemental funding sources to combat the effects of drugs in their schools. The only current source of funding available to the 46,000 Indian students attending the Bureau funded schools is the Drug Free Schools Program. Should this program not be available, Bureau funded schools would be forced to consider the following actions:

1. Coupled with the potential loss of school lunch program funds from the USDA, Bureau

funded schools would be forced to absorb any drug free program costs within their basic ISEP funding levels. Without increases in ISEP to offset these losses, schools would have to reduce their overall education program.

2. The schools would be forced to cancel all current drug prevention education programs for the 46,000 Indian students. Schools would be unable to effectively deal with the escalating problem of drug use by Indian youth.

3. The attainment of the President's National Education Goal relating to safe and drug free schools would become an unfunded Federal mandate for all Bureau funded schools.

HHS and BIA Social Services Programs

A picture of the current situation for tribal access to federal social service and child welfare funds was provided in a report by the HHS Office of the Inspector General, *Opportunities for ACF to Improve Child Welfare Services and Protections for Native American Children*, August 1994. The report revealed that tribes receive little direct benefit or funding from federal child welfare programs, specifically, Title IV-B Child Welfare Services and Family Preservation and Support Services, and Title IV-E Foster Care and Adoption Assistance. While tribes receive a small amount of direct funding under IV-B (less than $2 million from a $293 million program), there is no funding available directly to tribes under the much larger IV-E program ($3 billion annual expenditure) or under Title XX social services block grants. (See Appendix D for further information.) Tribes can access IV-E foster care and adoption assistance funds but only if they have functional tribal/state agreements in place. This, even though Indian children are placed out-of-home at a rate 3.6 times greater than the rate for non-Indian children (Departments of HHS and Interior, *Indian Child Welfare: A Status Report*, 1988).

Tribes have worked long and hard for the past several years to access State flow-through funds as well as direct funded sources, e.g., Title IV-B child welfare funds, but as reported, the amounts received have been minimal. In many cases, restrictive eligibility criteria and award formulas effectively excluded Indian tribes from accessing these funds. Those tribes who were successful received relatively small grants, e.g., Title IV-B child welfare and family preservation grants.

Impact:

Once categorical program funds are block granted to states, tribes have no assurance that they will have any easier access to already well protected state dollars. One BIA Area, the Billings, Montana Area Office, submitted a list of funds received, by tribe and by source for social service programming. (See Appendix E.) The majority of funding ($10,339,000) is from BIA sources, but almost an additional $1 million is received from HHS/State sources. To resource-scarce tribal communities, that $1 million is a significant amount of money that would be lost under block granting.

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The need for continuing services provided by the categorical programs slated for elimination will not lessen. Moreover, programs and services which provided protections and served as a safety net for vulnerable Indian children, families and elderly will be eliminated and may never be replaced. As a result, the BIA anticipates that it will be confronted with an increased need of enormous proportions for services in Indian communities for which it is ill-prepared, fiscally or otherwise. This is because BIA programs have never been the primary service providers for the affected beneficiaries. Thus, the BIA sees no possibility of meeting the needs that will be created by the wholesale elimination of such a wide range of categorical programs. For example, an enormous need will be created by eliminating IV-E foster care payments for the high numbers of Indian children currently in foster or substitute care.

If tribes decide to provide services to former state clients, their welfare assistance funds will be dramatically impacted. The burden will be placed on tribes or the BIA for providing services to mushrooming caseloads. In a short period of time, BIA Welfare Assistance funds, totaling only $105,442,000 for all tribal communities, would be drained and Indian children and families will suffer. Also, BIA social service dollars currently fund 31 tribally operated emergency shelters nationwide. If tribes are strained to meet the most basic of needs in their communities, it is likely that these few shelters would have to be sacrificed so funds could be routed to another priority.

Indian Child Welfare Act funds are used to protect Indian children and prevent the separation of Indian families. The BIA distributes the funds non-competitively to all tribes ($20,612,000) and competitively to urban areas ($1,732,000). If this legislation were repealed, there is no other source of funding to fill this critical need.

Impact on the BIA Housing Improvement Program

The BIA Housing Improvement Program (HIP) provides assistance to the most needy individuals in reservation communities to repair existing Indian-owned homes or construct replacement houses. The vast majority of new home construction on Indian reservations is funded by the Department of Housing and Urban Development. The HIP program funds repairs (1) to houses that although they will remain substandard need immediate repairs for the health or safety of the occupants, and (2) to bring houses up to standard. The funds in the HIP program are minimal ($19,047,000) and, in FY 1995, will allow tribes to build only 100 new homes and repair 1,125 existing homes. If cuts are made to HUD programs, the strain on the HIP program will be enormous, and for which the BIA has no additional funds to meet the increased need.

Impact on Law Enforcement Efforts

Federal funding for tribal and BIA law enforcement and detention programs, for both adults and juveniles, has historically been insufficient. Tribe after tribe has come to the BIA and Congress for assistance, with little or no remediation. The Violent Crime Control and Law Enforcement

Act of 1994, Community Oriented Policing (COPS) program has increased tribal law enforcement operating budgets by over 10 percent. In FY 1995, over $9 million has been provided to 128 tribes by the U. S. Department of Justice. In future, it is probable that additional tribes will be found eligible for COPS funding, thereby increasing the level of funding desperately needed for law enforcement and crime prevention efforts in Indian country. If a program such as COPS was capped or turned over to states to administer, it is highly unlikely that tribes would receive the current $9 million or future increases. The quantity and quality of law enforcement services would decline, impacting already overburdened community social service and community development delivery systems.

**Appendix A**

**PROGRAMS TERMINATED OR AMENDED (*) BY BLOCK GRANTS IN THE COMMON SENSE WELFARE REFORM ACT OF JANUARY 31, 1996**

**CASH AID**

**AFDC** - PART A of title IV of the Social Security Act
**SSI**- Title XVI of the Social Security Act
**FOSTER CARE AND ADOPTION ASSISTANCE PROGRAMS** - Part IV of the Social Security Act
**GRANTS TO TERRITORIES FOR AID TO THE AGED** - Title I of the Social Security Act
**GRANTS TO TERRITORIES FOR AID TO THE BLIND** - Title X of the Social Security Act
**GRANTS TO TERRITORIES FOR AID TO THE TOTALLY DISABLED** - Title XIV of the Social Security Act
**GRANTS TO TERRITORIES FOR AID TO THE AGED, BLIND OR DISABLED** - Title XIV of the Social Security Act

**MEDICAL AID**

**MATERNAL AND CHILD HEALTH CARE SERVICES BLOCK GRANT PROGRAM** - Title V of the Social Security Act
**COMMUNITY HEALTH CENTERS** - Section 330 of the Public Health Services Act
**MIGRANT CENTERS** - Section 329 of the Public Health Services Act

**FOOD AID**

**FOOD STAMP PROGRAM** - The Food Stamp Act of 1977
**SCHOOL LUNCH PROGRAM** - Section 4, 8, of the National School Lunch Act
**EMERGENCY FOOD ASSISTANCE PROGRAM** - The Emergency Food Assistance Program of 1983
**NUTRITION PROGRAMS FOR THE ELDERLY** - The Older Americans Act of 1965
**SCHOOL BREAKFAST PROGRAM** - Section 4 of the Child Nutrition Act of 1966
**CHILD AND ADULT FOOD CARE PROGRAM** - Section 17 of the National School Lunch Act
**SUMMER FOOD SERVICES PROGRAM FOR CHILDREN** - Section 13 of the National School Lunch Act
**COMMODITY SUPPLEMENTAL FOOD PROGRAM FOR CHILDREN AND THE ELDERLY** - Sections 4 & 5 of the Agriculture and Consumer protection Act
**SPECIAL MILK PROGRAM** - Section 3 of the Child Nutrition Act of 1966

**HOUSING AID**

**SECTION 8 RENTAL ASSISTANCE AND PUBLIC HOUSING** - Title 1 of the United States Housing Act of 1937
**RURAL SINGLE FAMILY HOUSING LOANS** - Section 502 of the Housing Act of 1949
**SECTION 236 INTEREST REDUCTION ASSISTANCE** - Section 236 of the National Housing Act
**RURAL RENTAL HOUSING ASSISTANCE** - Section 515 of the Housing Act of 1949



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**RURAL RENTAL ASSISTANCE PAYMENTS** - Paragraph (2) of Section 521(a) of the Housing Act of 1949
**SECTION 235 HOMEOWNERSHIP ASSISTANCE** - Section 235 of the National Housing Act
**RENT SUPPLEMENT ASSISTANCE** - Section 101 of the Housing & Urban Development Act of 1968
**RURAL HOUSING REAPIR ASSISTANCE** - Section 504 of the Housing Act of 1949
**FARM LABOR HOUSING LOANS** - Section 514 of the Housing Act of 1949
**RURAL HOUSING SELF-HELP TECHNICAL ASSISTANCE** - Section 523 of the Housing Act of 1949
**FARM LABOR HOUSING GRANTS** - Section 516 of the Housing Act of 1949
**RURAL HOUSING PRESERVATION GRANTS** - Section 533 of the Housing Act of 1949

**ENERGY AID**

**LOW-INCOME HOME ENERGY ASSISTANCE PROGRAMS** - The Low-Income Home Energy Assistance Act of 1981
**WEATHERIZATION ASSISTANCE PROGRAM** - Part A of Title IV of the Energy Conservation and Production Act

**EDUCATION AID**

**Subpart 1 of Part A of Title IV of the Higher Education Act of 1965**
**Subpart 1 of Part A of Title I of the Elementary and Secondary Education Act**
**Subpart 3 of Part A of Title IV of the Higher Education Act of 1965**
**Part C of Title 1 of the Elementary and Secondary Education Act of 1965**
**Chapter 1 of Subpart 2 of part A of Title IV of the Higher Education Act of 1965**
**Subpart 4 of Part A of Title IV of the Higher Education Act of 1965**
**Part A of Title IX of the Higher Education Act of 1965**

**JOBS AND TRAINING AID**

**ADULT TRAINING PROGRAM** - Part A of Title II of the Job Training Partnership Act
**SUMMER YOUTH AND EMPLOYMENT TRAINING PROGRAM** - Part B of Title II of the Job Training Partnership Act
**JOB CORPS** - Part B of Title IV of the Job Training Partnership Act
**OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM** - Title V of the Older American of 1965
**JOBS PROGRAMS** - Part F of Title of the Social Security Act
**NATIVE AMERICANS AND MIGRANT SEASONAL FARMWORKERS PROGRAMS** - Sections 401 & 402 of the Job Training Partnership Act

**SOCIAL SERVICES**

**BLOCK GRANTS TO STATES FOR SOCIAL SERVICES** - Title XX of the Social Security Act
**COMMUNITY SERVICES BLOCK GRANT PROGRAMS** - The Community Services Block Grant Act
**LEGAL SERVICES** - The Legal Services Corporation Act of 1974
**FEMA EMERGENCY FOOD AND SHELTER PROGRAM** - Title III of the Stewart B. Kinney Homeless Assistance Act
**RESEARCH REGARDING FAMILY PLANNING AND POPULATION ISSUES** - Section 1004 of the Public Health Services

**VOLUNTARY FAMILY PLANNING PROJECTS** - Section 1001 of the Public Health Services Act

**DOMESTIC VOLUNTEER SERVICE ACT** - The Domestic Volunteer Service Act of 1973

- **SUPPORTIVE SERVICES FOR OLDER INDIVIDUALS** - The Older Americans Act of 1965

**COMMUNITY AID**

**COMMUNITY DEVELOPMENT BLOCK GRANTS AND URBAN DEVELOPMENT ACTION GRANTS** - Title I of the Housing and Community Development Act of 1974

**APPALACHIAN REGIONAL DEVELOPMENT PROGRAM** - The Appalachian Regional development Commission is terminated and the Appalachian Regional Development Act of 1965

**Appendix B**

**PROGRAMS TERMINATED OR AMENDED (*) BY THREE BLOCK GRANTS IN THE PERSONAL RESPONSIBILITY ACT OF FEBRUARY 13, 1995**

**CASH WELFARE AND RELATED PROGRAMS (4 PROGRAMS)**

AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)
AFDC ADMINISTRATION
JOBS PROGRAM
EMERGENCY ASSISTANCE PROGRAM

**CHILD CARE PROGRAMS (7 PROGRAMS)**

AT-RISK CHILD CARE
TRANSITIONAL CHILD CARE
AFDC WORK-RELATED
* CHILD CARE AND DEVELOPMENT BLOCK GRANT
CHILD CARE ASSOCIATE SCHOLARSHIP
STATE DEPENDENT CARE PLANNING
NATIVE HAWAIIAN FAMILY CENTERS
PROGRAMS OF SIGNIFICANCE

**CHILD WELFARE (23 PROGRAMS)**

FOSTER CARE MAINTENANCE PROGRAMS
FOSTER CARE ADMINISTRATION
FOSTER CARE TRAINING
ADOPTION MAINTENANCE PAYMENTS
ADOPTION ADMINISTRATION
ADOPTION TRAINING
INDEPENDENT LIVING
FAMILY PRESERVATION AND SUPPORT
TITLE IV-B RESEARCH
TITLE IV-B TRAINING
TITLE IV-B CHILD WELFARE SERVICES
ABANDONED INFANTS ASSISTANCE
CHILD ABUSE STATE GRANT PROGRAM
CHILD ABUSE DEMONSTRATION AND RESEARCH GRANTS
COMMUNITY BASED FAMILY RESOURCE PROGRAM
ADOPTION OPPORTUNITIES PROGRAM
FAMILY VIOLENCE STATE GRANT PROGRAM
FAMILY SUPPORT CENTERS
SOCIAL SERVICES RESEARCH
MISSING AND EXPLOITED CHILDREN'S PROGRAM
GRANTS TO IMPROVE THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES
CHILDREN'S ADVOCACY CENTERS
FAMILY UNIFICATION PROGRAM

Appendix C

Tribal Block Grant Amendments

The IEA supports the following language as proposed by tribes and tribal organizations.

*Proposed Tribal Block Grant Amendments*

*Section 1. (a) Indian tribes shall be funded directly in block grants in an amount equal to 3% of the total amount appropriated under this Act.*

*(b) The Secretary of HHS, with the full participation of Indian tribes and tribal organizations, shall establish and promulgate by regulation a funding formula for tribes which considers the geographic, economic, social, and cultural characteristics of the tribal reservation and service area, as well as the need of Indian tribes for a base funding level.*

*(c) For purposes of this Act, the terms "Indian", "Indian tribe" and "Tribal Organization" shall have the same meaning as found in 25 USC 450b(a), (b), and (c).*

*Section 2. Tribes shall develop programs, consistent with the goals of this Act. Such plans may take into account tribal geographic, economic, social, and cultural characteristics.*

*Section 3. (a) In any state within whose boundaries an Indian tribe is located, the State shall consult with said Indian tribes in the development of state plans under this Act.*

*(b) Nothing in this Act shall be construed to*

*(1) affect the eligibility of any Indian to receive services provided in programs and activities carried out under a grant to the state or states under this Act, or*

*(2) preclude or discourage an agreement between any Indian tribe and any state that facilitates the provision of services by the Indian tribe to the service population of the Indian tribe.*

Appendix D

# ACF FUNDING FOR TRIBAL CHILD WELFARE SERVICES

*Most Tribes have received little or no Title IV-E or Title XX funding.*

In 15 of the 24 States with the largest Native American populations, eligible Tribes received neither Title IV-E nor Title XX funds from 1989 to 1993.[20] In 1993 alone, these 15 States received $1,714 million in Title IV-E funds and $1,289 million in Title XX funds.

Nine of the 24 States reported that some Tribes in their States received Title IV-E and/or Title XX funds in 1993. (See Table 1.)

Eight States reported that 46 Tribes received $1.9 million --2 percent--of the States' $82 million Title IV-E funds, while 4 States reported that 32 Tribes received $2.8 million --3 percent--of the States' $98 million Title XX funds. (For additional results from the OIG mail survey, see appendix B.)

TABLE 1: OF THE TWENTY-FOUR STATES WITH THE LARGEST NATIVE AMERICAN POPULATIONS, NINE SHARED TITLE IV-E AND/OR TITLE XX FUNDS WITH ELIGIBLE TRIBES IN 1993.

| State[a] | Number of Tribes[b] | Title IV-E Funds[c] Number of Tribes Funded | Eligible | Title XX Funds[c] Number of Tribes Funded | Eligible |
|---|---|---|---|---|---|
| AK | 222 | 0 | NA[d] | | |
| AZ | 20 | 0 | 20 | 20 | 20 |
| CA | 108 | 0 | NA | | |
| CO | 3 | 2 | 3 | 0 | 3 |
| FL | 2 | 0 | NA | | |
| ID | 4 | 0 | 4 | 0 | NA |
| KS | 4 | 0 | NA | | |
| MI | 7 | 0 | NA | 0 | NA |
| MN | 6 | | | | |
| MT | 7 | 4 | 7 | 0 | NA |
| NE | 5 | | | | |
| NV | 16 | 0 | NA | 0 | NA |
| NM | 22 | | 22 | | |
| NY | 7 | 0 | 0 | 0 | 0 |
| NC | 7 | 0 | NA | | |
| ND | 4 | 4 | 4 | 0 | NA |
| OK | 39 | | | | |
| OR | 9 | 3 | 9 | 6 | 9 |
| SD | 9 | | | | |
| TX | 3 | 0 | NA | 0 | NA |
| UT | 2 | 0 | NA | | |
| WA | 27 | 0 | NA | 0 | NA |
| WI | 11 | 0 | NA | | |
| WY | 2 | 0 | NA | 0 | NA |
| TOTAL | 537[e] | For 11 States: 46/188 | | For 6 States: 32/60 | |

a Ranking is both the *Indian Service Population and Labor Force Estimates* (Bureau of Indian Affairs, January 1991) and the *Resident Population Distribution for the United States, Regions, and States, by Race and Hispanic Origin* (Bureau of the Census, 1992), the list of 24 States comprises those 20 that had the largest Native American populations in absolute numbers and those 20 that had the largest Native American populations as percentages of the total State populations.

b *List of Federally recognized Tribes* (58 Fed. Reg. 54,222, Oct. 20, 1993).

c Survey of 24 State Child Welfare Departments, Office of Inspector General, Fall 1993.

d "NA" indicates that the information was not available from the State.

e Tribes whose land extends into multiple States have been counted in each State.





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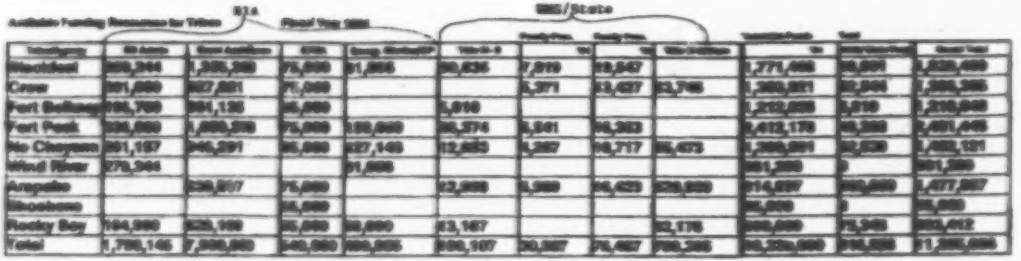

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**RESPONSES TO QUESTIONS POSED TO JOSEPHINE NIEVES ON MARCH 7 BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS HEARING ON "ISSUES CONFRONTING INDIAN YOUTH."**

**Question #1: Why does the Administration propose in its G.I. Bill for America's Workers to consolidate the JTPA Summer Jobs for Native American Youth into a youth grant goes to States?**

Under the Administration's proposal, there would be separate funding for tribal governments, just as there is now under JTPA. This is consistent with the President's commitment to tribal leaders and their independence from State governments. Tribal governments currently have the authority under the Indian Employment, Training, and Related Services Demonstration Act to consolidate these funds with other job training funds into systems that best meet their needs. The Administration is committed to working with tribal governments to promote and assist in the use of this authority.

**Question #2: What is the Department's position regarding State block grants and their potential impact on programs serving Indians and Native Americans?**

Consolidating federal funds through block grants is an old approach that has been tried and failed. For more than thirty years we have been moving up and down the federalism ladder seeking to find the right level of responsibility and accountability that will yield success.

When enacted in 1982, JTPA was envisioned and designed as a block grant to the states. This new approach reduced the role of the federal government from preceding programs and enhanced the role of States, and retained a strong role for local level policy and initiative. However, growing numbers of reports from the GAO and office of the Inspector General of misuse of federal dollars and poor performance at the state and local level led the Bush Administration and a bipartisan coalition in Congress to reassert federal accountability through a set of new rules and regulations enacted in 1992. While an understandable response, the reaction made JTPA less flexible.

After 30 years, we have learned that simply shifting accountability for employment and job training services from the federal bureaucracy to State bureaucracy will not improve performance. That is why the Administration is offering a different model that replaces bureaucratic accountability with a customer-focused system of accountability based on individual empowerment, improved customer choice, and provider competition.

Proposals to consolidate Indian programs with State block grants undermine the very essence of shifting funds, power, responsibility and accountability for such programs to local governments, like Indian tribes, which are closest to the people to be served.

Furthermore, the special government-to-government relationship between the federal government and the tribal nations is founded on treaty obligations and Executive Orders. The President during his historic meeting with Indian leaders at the White House last year said that "It is the entire government, not simply the Department of Interior, that has a trust responsibility with tribal governments." The Department's efforts to maintain the administration for Indian and employment and training programs at the National office reaffirms that commitment.

**Questions #3: what impact will the House rescission of Title IV-A, Section 481 and Title II-B, Indian Summer Youth Program have on the tribes?**

The proposed House rescission of the Title IV-A Indian and Native American program by 10% from $64.1 million to $57.7 million will mean that about 2,700 fewer Native Americans will receive training and supportive services designed to provide them with marketable skills leading to productive, unsubsidized employment.

The rescissions will eliminate the 1995 and 1996 Title II-B Summer Youth programs. The elimination of $15.8 million for summer of 1995 will cause over 11,000 Indian youth residing on 129 federally and state recognized tribal lands to not receive first-time work experience, job readiness skills training and school-to-work bridging activities. This same youth, representing the most economically disadvantaged in the country, will be denied the opportunity to earn $11 million in wages. That averages about $845 in gross wages per youth. The effects for the summer of 1996 would be equally severe.

The elimination of summer education and training opportunities for Indian youth residing on impoverished and isolated reservations will further compound the at-risk factors cited by every Administration witness before this committee. Unfortunately, when federally funded program services to youth or adults are eliminated, the private sector cannot compensate for the loss of program services because it is weak or lacking on these reservations.

**Question #4: what coordination efforts does the Department effect with other federal agencies serving Indians and Native Americans?**

The Department continues to participate in a federal inter-governmental workgroup involving the Departments of Interior and Health and Human Services to coordinate the implementation of Public Law 102-477, the Indian Employment, Training and Related Services Demonstration Act. This has resulted in ten (10)



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approved tribal plans to consolidate and manage employment and training programs locally.

This effort has also involved a tribal workgroup representing the interests of participating tribes and those seeking to submit proposed plans for the demonstration project. The Department is actively encouraging more tribes to become engaged in consolidating federal employment and training programs. Working closely with the other Departments and the tribal workgroup has resulted in a technical assistance meeting set for the week of March 27 to help tribes wanting to develop and submit "477 plans" for approval.

Also, the Departments of Education and Labor have worked in collaboration to develop the action plan for carrying out the grant procedures for the School-To-Work Opportunities Act of 1994. The Indian set-aside portion will fund grants to prepare Indian youth for first jobs in high-skill, high-wage careers and future post-secondary education and training. Eligible entities must include tribal organizations responsible for economic development, employment and job training, and education and they must involve schools funded by the Bureau of Indian Affairs. These grants were announced in a Solicitation for Grant Awards on March 15, 1995. Grant awards will be announced by June 30. 1995.

U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General Washington, D.C. 20530

May 3, 1995

The Honorable Daniel K. Inouye
Vice-Chairman
Committee on Indian Affairs
United States Senate
Washington, D.C. 20510-6450

Dear Senator Inouye:

This is in response to the questions you submitted on behalf of Senator Dorgan following the Committee's March 7 hearing on challenges facing Indian youth.

Question 1: What funding sources are available to reservations to combat crime particularly in areas of juvenile justice and child abuse and neglect?

**Answer**: The Department, in administering its grant programs, is committed to enhancing the capacity of tribes to confront the problems of crime in Indian communities. The following programs are available to assist tribes in addressing the problems of crime in Indian Country:

- Tribal Law Enforcement -- The Community Oriented Policing Services (COPS) program was established under the Violent Crime Control and Law Enforcement Act of 1994. COPS is committed to helping Indian tribes control crime by helping them hire more police officers and expand their law enforcement capacity. In FY 1995, 128 tribes have received over $9 million in funding from police hiring grants. Such direct grants to tribes are an important step toward building tribal law enforcement capacity.

- Tribal Courts -- Tribal courts are critical to effective law enforcement in Indian Country. The Department has initiated a Tribal Courts Project. The goal of the project is to assist tribes in developing and strengthening their systems of justice, so that tribal governments are able to establish, maintain, and enforce the laws that govern Indian lands.

Tribal court systems are particularly significant in the handling of cases where children are victims of crime, as well as where children are offenders. The tribal court system is the closest -- culturally and physically -- to the victims, offenders, and their families, and thus adjudication in these courts may have the most immediate and profound impact on crime rates in Indian Country. To reduce crime, it is critical to have an adjudicative, "value-enforcing" institution in the community that can deal with child abuse, child neglect, and criminal acts committed by youth.

The Department's Tribal Courts Project -- which coordinates its activities with the Bureau of Indian Affairs (BIA) -- is undertaking a number of efforts related to the improvement of tribal family court and juvenile justice systems. The Project is about to initiate a Tribal Court-DOJ Partnership Program with certain tribal governments, which will coordinate Department resources aimed at improving tribal systems of justice. The particular emphasis of the Partnership will be family violence and juvenile justice. The Department tentatively plans to focus resources on increased training opportunities for tribal court judges in these areas, and will support traditional tribal justice systems -- such as the Navajo Nation Peacemaker Division -- for the handling of juvenile justice issues.

- Domestic Violence -- No discussion of crime would be complete without stressing the tremendous impact that family violence has on the growth and spread of crime. The Violence Against Women Act, established under the Violent Crime Control and Law Enforcement Act of 1994, authorizes and appropriates funds for a grants program to combat violent crime against women. These grants are designed to develop and strengthen effective law enforcement strategies to combat violent crimes against women and strengthen victim services in cases involving violence against women. The Act stipulates that 4% of the appropriated funds must be reserved for direct grants to tribal governments. The Office of Justice Programs anticipates awarding 15-20 grants to Indian tribes through this discretionary program in FY 1995.

- Bureau of Justice Assistance (BJA) -- BJA provides formula grants to states to assist state and local criminal justice systems. Tribes are eligible to receive funding from the states under this program. In addition, BJA tentatively has planned to provide the following awards and assistance directly to tribes and tribal organizations: planning grants to three reservations for the establishment of a comprehensive plan to reduce crime, domestic violence, and drug/alcohol abuse; funding for the improvement of tribal court systems, including the possible establishment of a pilot program to increase the effectiveness of prosecutions of child sexual and physical abuse; support for training and technical assistance for programs in Indian Country offered by the Office of

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Victims of Crimes and Bureau of Indian Affairs Law Enforcement; and work with the Boys and Girls Clubs of America to explore the feasibility of establishing sites in Indian Country.

- Office of Juvenile Justice and Delinquency Prevention (OJJDP) -- OJJDP manages the Native American pass-through provision of the Juvenile Justice and Delinquency Act. In addition, OJJDP provides training, technical assistance, and grant funds to tribes and institutions for the prevention and treatment of juvenile delinquency.

Currently, OJJDP is engaged in, or planning, several initiatives in Indian Country. OJJDP is providing assistance to the Pueblo of Jemez, Navajo Nation, Gila River Indian Community, and the Red Lake Band of Chippewa Indians to develop community-based alternatives to secure detention and incarceration facilities.

In FY 1995, OJJDP plans to identify a site in Indian Country for one of five "Safe Futures" programs. Safe Futures will focus on implementing a comprehensive delinquency prevention and intervention program. This program will enhance public safety and provide a continuum of care for at-risk and delinquent youth.

- Office of Victims of Crime (OVC) -- OVC works with federal, state, and tribal authorities to support programs to compensate and assist victims of crimes. In addition, OVC offers training for tribal, state, and federal law enforcement officers, prosecutors, and social service and mental health staff through the biennial Indian Nations Conference.

**Question 2**: What, if any, efforts are underway to increase the number of prosecutors who handle these types of cases?

**Answer**: The prosecution of violent crimes against victims in Indian Country is one of the Department's highest enforcement priorities, especially where the victims are children. The United States Attorneys' Offices and the Criminal Division -- in conjunction with the FBI, the BIA, and the tribes -- have taken several important steps aimed at improving the Department's responsiveness to crime and crime victims in Indian Country.

1. Federal Prosecution of Crime in Indian Country

United States Attorneys' Offices with significant Indian jurisdiction have focused on how to provide better service to the Native American population.

- Special Assistants for Indian Affairs -- The Department has encouraged United States Attorneys to appoint special assistants

for Indian Affairs, in order to develop better working relations with tribes and to provide a point of contact for crime victims and their families, tribal law enforcement officers, victim advocates, social workers, prosecutors, and other officials. In recognition of the importance of this task, 26 additional Assistant United States Attorney positions have been provided to those Districts with significant amounts of Indian Country within their districts.

- Development of Agreements to Resolve Problems of Overlapping Jurisdiction -- The problems involving the scope of federal, state, and tribal jurisdiction present a barrier to effective law enforcement in Indian Country. Several U.S. Attorneys' Offices have worked with federal, tribal, and state agencies to develop memoranda of understanding (MOU) to address problems caused by overlapping jurisdictions. For example, in 1994, the tribes and United States Attorneys Offices in Oklahoma worked with the FBI, BIA, the Indian Health Service, and the state to developed an MOU to guide the investigation, reporting, and prosecution of physical and sexual abuse of Indian children. Several additional United States Attorneys' Offices are exploring the possibility of MOUs with tribes.

- Training -- Within the Department, we are redesigning our training programs to ensure that federal prosecutors understand the jurisdictional framework for Indian Country, the law, and their responsibilities to American Indian communities. The FBI is providing similar training for agents assigned to Indian Country or having significant responsibilities in Indian Country. Our goal is to ensure that our federal enforcement responsibilities are carried out sensitively, responsibly, and effectively.

- Prosecution of Child Sexual Abuse -- The prosecution of federal child sexual abuse statutes in Indian Country is an area of great concern within the Department. Since the enactment of the Indian Child Protection Act, the Crime Control Act, and the Indian Law Enforcement Reform Act in 1990, the Department has taken steps to enhance its responsiveness to Indian child victims and to utilize fully the tools provided by Congress. On issues of child protection, the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division enhances, through its expertise and human resources, the efforts of United States Attorneys. CEOS is a litigation section staffed by attorneys with backgrounds and expertise in child protection issues and the prosecution of child exploitation cases. Since November 1994, CEOS has hired seven attorneys with extensive expertise in child sexual abuse and Indian Country issues.

2. Federal Criminal Investigation in Indian Country

To be effective in reducing crime in Indian Country, increased

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prosecutorial resources must be mirrored by an increase in law enforcement personnel.

- Law Enforcement Cooperation -- During FY 1995 and FY 1996, the United States Attorneys will encourage the further development of tribal police and law enforcement programs and aggressive cross-designation of tribal police with BIA and other appropriate policing authorities.

- Additional Federal Law Enforcement Personnel -- Twenty-seven additional FBI agents will be assigned to supplement the agents currently conducting investigations in Indian Country.

- Tribal/Federal Cooperative Programs -- Because of the complex jurisdictional issues and the expanse of Indian Country, the FBI works with tribes to develop cooperative law enforcement efforts. These efforts include the initiation of Operation Safe Trails in cooperation with the Navajo Nation's Department of Law Enforcement. This program, which is designed to address major crime and sexual abuse in Indian Country, is staffed by a task force of FBI Special Agents and Navajo Nation Police Officers. FBI field offices in other areas are exploring the possibility of implementing Safe Trails programs. In addition, the FBI has developed pilot programs to train tribal police in FBI facilities. The FBI plans to expand its programs and training efforts to include regional training programs for tribal police officers.

I hope this information is helpful. Please contact this office if we may be of further assistance.

Sincerely,

Kent Markus
Acting Assistant Attorney General

ISBN 0-16-047134-6